

Family Educational Rights and Privacy Act (FERPA)
Safety and Health Exceptions and Employee Privacy Training

by

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ABSTRACT

Sparked by the Virginia Tech Shooting of 2007 and the resultant changes to the Family Educational Rights and Privacy Act, a review was conducted of FERPA's impact on university policies regarding student privacy and safety. A single, private university's policies were reviewed and a survey was distributed to 500 campus employees who had recently completed the university's FERPA training to determine if the university's current training was effective in training employees to understand FERPA's health and safety exceptions clause. The results showed that while the university's training was effective in training employees how to safeguard students' academic records, employees did not have a clear understanding of which information they could or should share in response to a threat to health and safety or to which university entity they should route safety concerns. The survey suggests that the university's FERPA training should be expanded to include training on FERPA's health and safety exceptions, including the communication of clear reporting lines for possible threats to campus safety and security.

DEDICATION

To my wife, Janine without whose help this project would not have been possible.

I'm grateful for her patience and support.

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Chapter 1

Introduction

April 16, 2007 will forever be remembered as a dark and terrible day on the campus of Virginia Tech University in Blacksburg, Virginia. That is the day that Seung Hui Cho, then a student at the college, went on a shooting rampage and killed 32 people before taking his own life. Much has been said and done since that day in regard to attempting to prevent such an event from happening again. In the aftermath of the tragedy, investigators realized that faculty and staff appeared to have misunderstood Family Educational Rights and Privacy Act (FERPA) regulations. Under this act, information could have, and should have, been shared within the University and with the student's family that may possibly have averted the tragedy (Virginia Tech Review Panel, 2007).

FERPA, enacted in 1974, was originally intended to ensure that parents and students had appropriate access to educational records. Sometimes referred to as the Buckley Amendment, for Senator James Buckley, the Act's sponsor, the bill initially guaranteed that students' records would not be released to others without appropriate permission while allowing parents to access and request changes to information that they felt was inaccurate. Further, the bill provided that once students turned 18, parental rights to safeguard educational records would transfer to them. As Debra Sells (2008) points out, "Perhaps contrary to the initial intention of Senator Buckley, this portion of the Act has generally been regarded as having the effect of limiting direct access of parents to student educational records at the university level" (p. 28). That was the way Virginia Tech faculty, staff, and administrators appeared to have interpreted the Act.

According to the official Virginia Tech Review Panel Report (2007), numerous faculty, school counselors, and students at Virginia Tech had seen troubling signs in the behavior of Seung Hui Cho, and had therefore alerted a number of members of the University administration to the possible dangers, but the information was compartmentalized – no one organization or individual had access to all of the complaints and reports. Because of this, different campus organizations tried to help Cho out individually. The English department tried to help him academically, campus security was asked to investigate some of his actions and tried to intervene, his campus counselors talked with him and even requested that a psychological evaluation be done on him, but there was no unified campus approach to getting him the help that he needed. None of these compartmentalized intervention practices in isolation were effective ultimately in stemming his aggression (Virginia Tech Review Panel, 2007).

One glaring oversight identified by the Virginia Tech Review Panel (2007) was that throughout all of these individual efforts, Cho's parents were not notified by anyone of the problems taking place. Afterwards, they said that they had no idea that there were any problems occurring. Whenever they talked with their son in the days leading up to the disaster, they said that he would tell them that everything was fine, and that was basically all that they knew.

At another higher educational institution, Oregon State University, a different student, Sammie Stroughter, also showed signs of mental illness, but because of the actions of some key people in his life, the potential for disaster was averted. Sammie was an outgoing, active student who played football at Oregon State. As the season progressed, those around him started noticing that he was becoming much more introverted, and he began showing signs of

paranoia. A concerned coach contacted his mother, and his mother contacted a family friend. She asked this friend to visit with her son and follow up on the coach's concern. When the family friend saw that Sammie was not acting like himself and saw the signs of mental illness, he was able to get Sammie to see a doctor to check on these concerns. A toxicological screening was done, a brain scan was performed, psychological counseling was prescribed and given, and Stroughter was able to make a full recovery. He returned to the football team and had a stellar college career. He now plays professionally in the NFL (Keown, 2008).

Though these two cases are far from identical in circumstances and consequences, they illustrate two different approaches to student privacy. In Cho's case at Virginia Tech, policies were followed that emphasized student privacy at the expense of student safety. Some people at the university refused to divulge information about Cho's behavior that they could have divulged under FERPA exceptions clauses. They apparently did so because of fear of litigation as well as to safeguard student privacy and independence.

During the incident with Sammie Stroughter, Oregon State University followed policies that emphasized student safety— which involved proactively divulging student information when they felt that one of its students was a danger to himself and potentially to others. They followed a policy implicitly underlain by the position that students are not entirely independent, that they are in transition to adulthood, and that the university has some duty to provide safeguards to them and their parents, as well as others, during this transition. They did run the risk of possible privacy suits or causing discouragement to students who might need help from actively seeking it for fear that their privacy might be

compromised. However, in this particular case, this course of action may have resulted in a life, or perhaps even multiple lives, being saved.

A review of FERPA's impact on student safety and the different policies regarding student privacy invites questions about how each institution of higher education views student privacy and safety. Does the institution view students as independent adults, or does it recognize a continued responsibility to students and parents? How well does the university's FERPA training reflect that policy? Is current FERPA training effective? Do employees know which information is safeguarded by FERPA and which information they can share, and under what conditions, with students, parents, the university, and other responsible parties in order to maintain student safety?

Statement of the Problem

As illustrated in Virginia Tech's response as well as in documented responses to threats to student safety on other university campuses, university employees may become aware of vital information that could help mitigate a threat to student health and safety and yet not know if or how they can share that information. Many university employees may not be aware of FERPA health and safety exemptions or how to apply them in an emergency situation. Even those university employees who have some level of awareness may not know the appropriate time to share the information or the proper personnel with whom to share it. The goal of this study is to evaluate the FERPA training offered at a university in the western United States to determine if the problems outlined here are manifest and if so, to determine possible ways to resolve them.

Scope of Work

A review of how FERPA policies are developed and implemented on other campuses shows that the stated problem is not unique to a single college or university. However, the scope of the present research is the effectiveness of FERPA training, specifically training related to FERPA health and safety exceptions, at a single private university. The current study is specifically designed to focus on how one university's employees interpret FERPA regulations and the resultant impact that their interpretations have on the way that they manage student information when they perceive a threat to students' health and safety. To measure that understanding, a survey was developed and sent out to a random sampling of employees representing administrators, faculty, and staff of the university.

Objectives

The overall objective of this project is to determine the effectiveness of the university's FERPA training as it pertains to its employees' understanding of FERPA's health and safety exceptions and how to apply them. The specific objectives established to reach this goal are as follows:

- To perform a review of literature to determine how FERPA has been interpreted and implemented at other universities.
- To determine how clearly employees at the university understand FERPA guidelines.
- To determine if employees at the university are aware of FERPA's health and safety exceptions.
- To determine if employees at the university understand how to apply FERPA's health and safety exceptions in an emergency.

Assumptions

A review of literature was completed before the survey was developed for this project, in part, to guide survey design and focus. Some assumptions were made as the survey was developed:

- It was assumed that the focus university was not necessarily unique in its efforts to train employees to understand and implement FERPA guidelines. Research into the challenges faced by other universities might apply to this university as well.
- It was assumed that the questions developed for the survey focused on a number of pertinent issues and would help draw out the data necessary to meet the study's objectives.
- It was assumed that every university employee, including members of the survey sample, had participated in the university's mandatory FERPA training within the last 12 months of the survey distribution.
- It was assumed that the random sampling of employees represented the general employee population that existed on the university campus.

Limitations

The purpose of this study was to evaluate the FERPA training at one private university with a single strong religious affiliation. The conclusions drawn from this study are limited largely to the effectiveness of that part of the university's training related to its FERPA health and safety exceptions.

In addition, the survey questions developed are drawn from current training practices at the university and, in some cases, the terminology used reflects the university's unique culture. Consequently, though research shows that other universities may face similar problems on their own campuses, this survey

instrument, unmodified, may not be an appropriate instrument for other universities to use to evaluate their own FERPA training.

Though FERPA regulations impact how information is disseminated during and after an incident like the Virginia Tech Shooting, this research is limited specifically to employee FERPA training and the way employees handle information prior to an incident.

The student and employee population of this university is fairly homogenous. Thus, the sample of individuals surveyed randomly will not bias the study results for this specific campus, but the results may not be representative of the conditions at other university campuses. A comparative study at a university with a more varied student and employee population would be necessary to extend the conclusions of this study to other university campuses.

There was some potential for bias to be introduced in the way that the survey was distributed. For example, the ASU Institutional Review Board required that the survey instructions include specific information about the researcher, such as the researcher's degree in emergency management and the focus of the study, FERPA's health and safety exceptions, that might have influenced some participants' responses.

Finally, as results of the survey were compiled and analyzed, they were not broken out by position on campus, i.e., administrator, faculty, or staff. The survey responses were analyzed from the perspective of the university as a whole.

Chapter 2

Review of Literature

As part of exploring the spectrum of university privacy policies, this study investigates how other universities have interpreted and applied FERPA. This section presents a brief review of literature, including a brief history of student privacy, as well as two factors that may lead some institutions to adopt narrow privacy policies: fear of litigation, and institutional philosophy. Also discussed are recent changes made to FERPA policies as a direct result of the Virginia Tech Shooting that may change the way that some universities interpret student privacy.

Brief History of Student Privacy

Events at Virginia Tech and Oregon State, as previously discussed, illustrate two different approaches to a similar situation where a student starts showing signs of being a threat to himself and others. These different approaches reflect the history of shifting university / student relationships. Sells (2008) and Szablewitz and Gibbs (1987) summarize shifts over time of these relationships. Previous to the late 1950's, universities largely saw themselves as substitute parents (*in loco parentis*). Universities tended to assume the parent's role, safeguarding students and monitoring their activities (Sells, 2008). College meant an educational opportunity for students in the classroom with the college providing a strong influence on what happened outside of the classroom as well as inside. Though this was more effective at protecting students from harm, student privacy and the chance for students to learn how to become adults and live on their own took a back seat.

According to Sells (2008), the 1960s and 1970s brought additional changes: “Students contended that if they were old enough to go to war, they were old enough to make their own decisions regarding their lives outside of the classroom” (p. 26). There was strong sentiment toward the idea that there should be more to college than simply getting a degree. A major part of the college experience was a chance for students to live with others their own age for the first time, away from their parents and families, and learn how to become adults – to gain life experience. So universities backed off and assumed a more hands-off approach to students’ life education. They, the universities, provided the academic aspect of college in the classrooms, but let the students live their own lives outside of the classroom. Bickel and Lake (1999) characterize the university’s role in this time period as “bystander” (p. 12). In this role, “The message was that it was better not to get too involved or to ‘assume’ duties to students” (Bickel and Lake, 1999, p. 12).

In the mid 1980s, there was a shift back to the view that universities did have some responsibility for or duty to students (Bickel and Lake, 1999, p. 12). Even though universities were no longer expected to act in place of parents, the idea persisted that they shared some responsibility for their safety. A special report published by The Carnegie Foundation for the Advancement of Teaching (1990) explains that,

The assumption persists today that when an undergraduate “goes off to college,” he or she will, in some general manner, be “cared for” by the institution. And it’s understandable that parents feel the institution has betrayed them if a son or daughter is physically or emotionally harmed while attending college. (p. 6)

Sells (2008) suggests that “With as many as 98 percent of the first-time, full-time freshman at four year institutions remaining teenagers throughout the fall semester, it is not surprising that many parents have an expectation of active involvement in their student’s college experience” (p. 25). It is a difficult task trying to find the balance between student privacy and student safety, and tensions still exist. Sells (2008) summarizes that tension well: “The university often finds itself caught between student demands for privacy, freedom, and rights to self-expression and parental expectations for involvement, control, and communication” (p. 27).

Currently, the relationship is for the most part seen as that of business and consumer with the university as the business and the student as the consumer. Decisions about privacy versus protection are made with that relationship in mind. Universities can opt for stringent protection of student privacy or more open disclosure, but, as documented in this thesis, many adopt stringent student privacy policies because they do not fully understand existing privacy laws and fear litigation. Ultimately, based on reviews by experts, it was in part this fear of litigation and the resultant adoption of stringent privacy policies at Virginia Tech University that disrupted good communication between departments and campus administration even when Cho displayed a potential for violence to himself and others (Virginia Tech Review Panel, 2007). Without proper communication, coordination, and enforcement, not enough was done to prevent Cho from proceeding with his lethal plans, and the tragedy of April 16, 2007 was thus allowed to happen.

Fear of Litigation

In the wake of the Virginia Tech shooting, the Department of Health and Human Services, the Department of Education, and the Attorney General canvassed other college campuses to gain information and prepared a *Report to the President* (2007) in which they found

A consistent theme and broad perception in our meetings was that this confusion and differing interpretations about state and federal privacy laws and regulations impede appropriate information sharing. In some sessions, there were concerns and confusion about the potential liability of teachers, administrators, or institutions that could arise from sharing information, or from not sharing information, under privacy laws, as well as laws designed to protect individuals from discrimination on the basis of mental illness. It was almost universally observed that fears and misunderstandings likely limit the transfer of information in more significant ways than is required by law. (Leavitt, Spellings, & Gonzales, 2007, p. 7)

This general fear of litigation, and lack of understanding, may lead to the development of narrow, overly restrictive policies.

The Virginia Tech tragedy provides an example of this fear. Analysts say that University employees chose not to contact Cho's parents or intervene in a more forceful way even though existing exclusions (FERPA 99.36) allowed them to do so. The Virginia Tech Report (2007) concludes,

Personal observations and conversations with a student fall outside FERPA. Thus, for example, teachers or administrators who witness students acting strangely are not restricted by FERPA from telling anyone

– school officials, law enforcement, parents, or any other person or organization. In this case, several of Cho’s professors and the Residence Life staff observed conduct by him that raised their concern. They would have been authorized to call Cho’s parents to report the behavior witnessed. (p. 66)

Virginia Tech’s own FERPA site would have discouraged any such disclosure such as this:

Third Party Disclosures are prohibited by FERPA without the written consent of the student. Any persons other than the student are defined as Third Party, including parents, spouses and employers. All educational officials are required to secure written permission prior to the release of any academic record information...Due to the laws covering confidentiality, it is illegal for anyone to release information...about any student to anyone (including parents) without written permission from the student. (as cited in Rainsberger, 2007a, p. 3)

These policies were reflected in statements from Lucinda Roy (2009), Cho’s writing teacher, in an interview: “At the time, the Virginia Tech Policy was very clear, that you were not meant to notify parents. That, in fact, if you did so, you were violating Virginia Tech protocol.”

Even though safety exceptions exist and are allowed under FERPA, they have not been fully established by precedent, so many universities err on the side of student privacy. As those investigating the Virginia Tech shooting explain, “the boundaries of the emergency exceptions have not been defined by privacy laws or cases, and these provisions may discourage disclosure in all but the most obvious cases” (Virginia Tech Review Panel, 2007, p. 67). The Virginia

Tech Review Panel (2007) goes on further to explain that FERPA's existing emergency clause required "strict construction." "Further narrowing of the definition does not help clarify when an emergency exists. It merely feeds the perception that nondisclosure is always a safer choice" (p. 69). In a statement reported by *Inside Higher Ed* in June 2007, Sheldon E. Steinbach, a lawyer in the higher education practice at the Washington firm Dow Lohnes explains, "Excessive paranoia about compliance with FERPA and HIPPA greatly impedes essential communication on campus that would provide for greater safety for students, employees, and the entire college community" (as cited in Redden, 2007).

Karen-Ann Broe, a senior risk analyst with United Educators, agrees, as quoted in a *Wall Street Journal* report: "I think there's been a hesitancy to share information in deference to student privacy probably more than the law requires" (as cited in Bernstein, 2007a). That hesitancy is illustrated well in MIT's response to one parent's request for counseling for her son, Paul Kraut. Concerned about her son, Paul's mother contacted the university asking for counseling for her son. She was told that her son would have to reach out himself for counseling. After his suicide, she learned that he had stopped attending some classes and that his friends knew of a prior suicide attempt (Bernstein, 2007a). In another case, MIT refused a mother's access to her son's dorm room and computer files even though her son, Daniel Kayton, was listed on the national missing persons' database. They required a subpoena before they would release the data (Bernstein, 2007b). Investigations following the Virginia Tech tragedy revealed that such overly strict interpretations of the law were common: "Federal, state, and the university panels formed in response to the incident [Virginia Tech]

concluded that too many college administrators favored an overly narrow interpretation of FERPA, minimizing their disclosure of student information to avoid legal wrangling over exactly what the law covers” (Hermes, 2007). It is clear from the Virginia Tech report that this sort of hesitancy played a factor in their FERPA policy decisions.

Privacy laws can block some attempts to share information, but even more often may cause holders of such information to default to the nondisclosure option – even when laws permit the option to disclose. Sometimes this is done out of ignorance of the law, and sometimes intentionally because it serves the purposes of the individual or organization to hide behind the privacy law. A narrow interpretation of the law is the least risky course, notwithstanding the harm that may be done to others if information is not shared. (Virginia Tech Review Panel, 2007, p. 63)

McDonald (2008), general counsel of the Rhode Island School of Design, explains, “It is true that withholding student information is, almost always, ‘safe,’ at least as far as FERPA is concerned ... All of the exceptions that permit broader disclosure are entirely discretionary, so there is no legal consequence under FERPA in choosing not to disclose.” However, while universities often believe that nondisclosure is the safest policy, McDonald (2008) asserts that disclosure is “almost equally safe.” He cites the case of *Gonzaga University vs. Doe* in which the U.S. Supreme Court ruling barred aggrieved students or others from suing a university even if representatives violate FERPA guidelines. Students can lodge a complaint with the Family Compliance Office, but though the office has the power to terminate a university’s federal funding, it has never

done so since FERPA was enacted 34 years ago. A university must violate the act repeatedly, demonstrating a “policy or practice” of breaking guidelines, and even then it is not in danger of sanctions unless the university refuses to comply voluntarily (McDonald, 2008).

Having the privacy exceptions available to institutions is one thing; getting institutions to educate its employees and put them into practice are two completely different matters. As quoted in a report from *Inside Higher Ed*, Jennifer Mathis, Deputy Legal Director for the Judge David L. Bazelon at the Center for Mental Health Law, doesn’t believe existing exceptions are accurately understood: “There was an immediate hue and cry after Virginia Tech to change the privacy laws. I think there was a lack of understanding of the [emergency] exceptions that already exist” (as cited in Redden, 2007). McDonald (2008) concurs: “The real problem with FERPA is that its flexibility is not well or widely understood.” This was exactly the case in the Virginia Tech tragedy. The official report concludes, “The lack of understanding of the laws is probably the most significant problem about information privacy” (Virginia Tech Review Panel, 2007, p. 68). Even the university’s chief counsel thought FERPA prevented the release of any medical or counseling records (Virginia Tech Review Panel, 2007, p. 63).

However, this problem is not isolated to Virginia Tech. Drawing on meetings across the country with decision-makers in education and associated fields, the *Report to the President on Issues Raised by the Virginia Tech Tragedy* (2007) concluded that,

Education officials, healthcare providers, law enforcement personnel, and others are not fully informed about when they can share critical

information on persons who are likely to be a danger to self or others, and the resulting confusion may chill legitimate information sharing. (Leavitt, Spellings, & Gonzales, 2007, p. 2)

The problem is aggravated when those who make decisions about disclosure may not have access to all the information. This partitioning of information was brought to the attention of the government in a *Report to the President* (2007):

We repeatedly heard reports of 'information silos' within educational institutions and among educational staff, mental health providers, and public safety officials that impede appropriate information sharing. These concerns are heightened by confusion about the laws that govern the sharing of information. (Leavitt, Spellings, & Gonzales, 2007, p. 7)

Virginia Tech is a primary example of this very thing. The Virginia Tech Police Department (VTPD) knew about stalking warnings, suicide threats, a temporary detention order, and commitment related to Cho. Residence Life knew of complaints from those in Cho's dorm. But the Care Team, the cross-campus team charged with making pivotal decisions about students with problems, did not have access to all of this information and, relying on what information they did have, they did not take proper steps. According to the report they were "hampered by overly strict interpretations of federal and state privacy laws" (Virginia Tech Review Panel, 2007, p. 52).

Information silos regarding Cho's behavior extended to more than those found on the Virginia Tech campus. They extended to a separation of information from Cho's secondary school to his post-secondary institution. Virginia Tech did not have access to secondary school records, which would

have helped them evaluate the seriousness of the threat that he posed. In connection with proposed changes to FERPA – 99.31 (a) (2) – The Department of Education clarifies which records should be able to be transferred:

Finally, in the aftermath of the shooting at Virginia Tech, some questions have arisen about whether FERPA prohibits the disclosure of certain types of information from students' education records to new schools or postsecondary institutions to which they have applied...Under 99.31 (a) (2) and 99.34 (a), FERPA permits school officials to disclose any and all educational records, including health and disciplinary records, to another institution where the students seeks or intends to enroll. (FERPA Proposed Rule, 2008, p. 15581)

Further, changes proposed, and since adopted, to 99.31 (a) (2) make it possible for postsecondary institutions to gain access to a student's records without the student's consent even after he or she has transferred or enrolled:

We have concluded that authority to disclose or transfer information to student's new school under this exception does not cease automatically the moment a student has actually enrolled. Rather, an educational agency or institution may transfer education records to a student's new school, including a postsecondary institution, at any point in time if the disclosure is in connection with the students' enrollment in the new school. (FERPA Proposed Rule, 2008, p. 15581)

In the final regulations, the guidelines are even more explicit: "this means that a school may disclose any records or information, including health and disciplinary records, that the school could have disclosed when the student was seeking or

intending to enroll in the new school” (FERPA Final Rule – Section-by-Section analysis, 2008, pg.7).

Privacy Issues as Institutional Philosophy

Though it goes a long way, simply clarifying FERPA exceptions may not solve the problem. Many university privacy policies are themselves more restrictive than FERPA requires. In an attempt to protect student privacy, institutional philosophy may be developed that is by nature more restrictive. A *Wall Street Journal* article reporting one parent’s search for information on her missing son quotes MIT Chancellor Phillip Clay’s explanation of his institution’s policy:

Privacy is important. Different students will do different things that they absolutely don’t want their parents to know about. Students expect this kind of safe place where they can address their difficulties, try out lifestyles and be independent of their parents. (as cited in Bernstein, 2007b)

MIT is not alone. A separate news article quotes Joanne Berg, Registrar and Vice President of Enrollment Management of the University of Wisconsin, explaining her university’s policy in similar terms: “FERPA is about judgment. And the bottom line is that students are building a trust relationship with the university---they are trusting us to keep their information private” (as cited in Bernstein, 2007c).

FERPA allows universities to release information about students to parents if parents claim the students as dependants on their tax returns (99.36). Daniel Kayton’s parents claimed him as a dependant, but because MIT didn’t consider Daniel’s missing person status as a health or safety emergency, they

would not release his records, including his e-mail history, without a subpoena (Bernstein, 2007b).

This restrictive policy is a reflection of an institutional philosophy rather than an attempt to strictly abide by privacy legislation. The original intent of the Buckley amendment was to give parents of dependent children access to student records. Comments from Buckley and Pell (1974) clarify its intent:

Colleges have been reluctant to send bills or grades of their students to the students' parents, for fear of violating the students' rights. The amendment proposed would make it clear that the parent of a dependant student, as defined for income tax purposes, would have a right to information about his child without the institution's having to seek the students' consent. (p. 39863)

An anonymous letter from a concerned parent commenting on proposed changes to section 99.36 of FERPA highlights many parents' frustrations:

I wanted to find out the status of my son last fall, his first semester in college. After a couple of disturbing text messages I called his resident advisor to see if he had even **seen** my son – no reply. Then I called person after person hoping to get some sort of response, but “it is up to your son to respond.” That doesn't do much good. **Please** do update the rules as explained in the Washington Times article, 3/25/08. (Letter of Comment, 2008)

According to Kent Weeks (2002), an attorney and professor of education at Vanderbilt, how universities choose to interpret their responsibility to safeguard student privacy is up to them: “Parents may possess rights if the student is

legally classified as a dependant, but since colleges have the option, many provide information only to students” (p. 48).

For that reason, university disclosure policies vary widely. For example, the University of Tampa will disclose information if the child is claimed as a dependant. The University of Wisconsin, Madison, on the other hand, will only disclose information connected to the health and safety exception (Bernstein, 2007c).

In practice, institutional privacy policies can have a tremendous impact. Paul Kraut committed suicide in 2004. Previous to his death, his mother, Pam Kraut, had contacted MIT, the university he attended, seeking counseling for him. The university refused, citing privacy laws, indicating that the student would have to seek counseling himself and that they could not provide Pam with any information about Paul’s school attendance or behavior. This institutional policy is reflected in comments made by the university’s Dean of Student Affairs, Tim Mann, as quoted in a news report: “For parents, the laws are very stringent. These are young adults” (as cited in Bernstein, 2007a). As an institution, Virginia Tech operated under a similar privacy policy. For example, even after Cho had been involuntarily committed in 2005, his parents were not notified because Cho refused to notify them. After Cho’s suicide threat, the university did not notify his parents (Virginia Tech Review Panel, 2007). One of the recommendations that came out of the Virginia Tech Report speaks to this rigid view of student privacy: “Universities should recognize their responsibility to a young, vulnerable population and promote the sharing of information internally, and with parents, when significant circumstances pertaining to health and safety arise” (Virginia Tech Review Panel, 2007, p. 53).

Parents are an invaluable resource to colleges and universities in protecting students. The Virginia Tech tragedy showed the world that if that resource is disallowed or ignored, a valuable prevention tool is lost. The Virginia Tech report allows that

Schools are not, however, required to release that information. Yet, if a university adopts a policy against release to parents, it cuts off a vital source of information. The history of Seung Hui Cho shows the potential danger of such an approach ... The example demonstrates why it may be unwise for an institution to adopt a policy barring the release of information to parents. (Virginia Tech Review Panel, 2007, p. 70)

Weeks (2002) concurs, "It is time for colleges and universities to adopt a less defensive approach to communicating with parents and move toward policies that are family-friendly and sustain partnerships with parents while appropriately recognizing the rights of the individual" (p. 49).

There may be valid reasons for some people wanting stringent privacy policies. Some universities protect student privacy to encourage students to seek help without the fear that their treatment will be disclosed. Joanna Locke, program director of the Jed Foundation, is quoted in one news report explaining, "These kids are over 18, and it's important when they go to the counseling center that they know that what they say is confidential. No student would go to the counseling center otherwise" (as cited in Bernstein, 2007a). Universities have to walk a very thin line as they develop policy that will protect their students and maintain privacy rights:

University administrators struggle with these decisions, weighing the value of parental notification and involvement against the potential

negative student response to the perception of breach of confidentiality.

Counseling staff may worry that students will be less likely to ask for assistance with serious issues such as depression or addiction if there is a possibility that parents may be notified. (Sells, 2008, p. 33)

There are still some very strong voices that have argued against the sharing of any personal information. The Center for Law and Education opposed the “safe harbor” clause in the proposed changes to FERPA section 99.36 because it might make institutions less cautious when deciding when to disclose information for safety reasons:

Many tragedies are averted because individuals seek help, knowing that they are protected by confidentiality. On the other hand, if individuals are concerned that information will be shared, even in a ‘preventive’ way, they will stop seeking help.... Confidentiality is important for individuals with mental illness to seek assistance from the mental health system.

(Boundy, 2008)

The American Psychological Association disagrees with the CLE position:

APA supports the change proposed by the Department to replace the language requiring strict construction of the emergency exception with a provision that allows for an institution to take into account the totality of the circumstances pertaining to a threat to safety or health of a student or other individuals(s). APA also supports the provision that that Department will not substitute its judgment for that of the institution in evaluating the circumstances and making its determination. This change will provide greater clarity and flexibility for colleges and universities when facing an emergency involving an individual student or others within the

campus community. Giving the university community leeway to address significant threats to the health and safety of its students and other individuals is a measured change that will better serve students and others on campus. (Honaker, 2008).

Changes to FERPA

The Virginia Tech Report and the Report to the President suggest several possible solutions to the issue of student privacy and safety. The first is reflected in the Department of Education's changes to FERPA section 99.36 made in December of 2008. The changes provide the "safe harbor" suggested by the Virginia Tech Report which states,

The provision should insulate a person or organization from liability (or loss of funding) for making a disclosure with a good faith belief that the disclosure was necessary to protect the health, safety, or welfare of the person involved or members of the general public. (Virginia Tech Review Panel, 2007, p. 68)

As the Virginia Tech report points out, the changes "can help combat any bias toward nondisclosure" (Virginia Tech Review Panel, 2007, p. 68).

The changes remove the "strictly construed" clause and offers protection from litigation: "the Department will not substitute its judgment for that of the agency or institution if, based on the information available at the time of the determination there is a rational basis for the agency's or institution's determination that a health or safety emergency exists and that the disclosure was made to appropriate parties" (FERPA – Final Rule, 2008, p. 74837). An article in *Education Week* quotes the response of Thomas Hutton, Senior Staff Lawyer for the National School Boards Association, on the proposed clause:

“That’s a very, very safe harbor. That doesn’t mean it’s carte blanche ... But that’s going to provide a lot of reassurance in those borderline situations” (as cited in Klein, 2008). Many others agree. In a report on the proposed changes, *Inside Higher Ed* quotes the response of Sheldon E. Steinbach, a lawyer with the Washington firm of Dow Lohnes:

These regulations hopefully will be heeded by administrators at all levels as to understand that at the end of the day, the welfare of the student and the student body and the community is what is paramount, and not restricting access to vital information out of fear of potential penalty that does not exist. (as cited in Lederman, 2008)

The same article also quotes Steven McDonald, general counsel at the Rhode Island School of Design, as he highlights the importance of this shift in emphasis. While the previous language “made it sound like you had to absolutely be sure before you relied on that exception,” the proposed changes establish that “you’re not going to get in trouble for a good faith decision made in the heat of the moment before all facts are known” (as cited in Lederman, 2008). In fact, the majority of respondents who commented on 99.36 welcomed the proposed changes. Among those respondents were the American Psychological Association, Kansas State Department of Education, the University of Texas System, NAMI, the New York State Education Department, and the Council of Chief State School Officers (Public Comments - FERPA - Proposed rule, 2008).

In addition to the proposed changes to section 99.36, many have recommended the adoption of proposed changes to section 99.31(a)(2). These proposed changes would make it possible to address one of the Virginia Tech Report’s suggestions, though it made no specific recommendation: “Perhaps an

institution whose threat assessment team determines that a student is a danger to self or school should promptly contact the student's family or high school, inform them of the assessment, and inquire as to a previous history of emotional or mental disturbance" (Virginia Tech Review Panel, 2007, p. 39). Currently, universities cannot make inquiries about a student's disability status before he/she is admitted to the university, and students are not required to disclose a disability after they are enrolled. Universities can enquire after a student has enrolled. Proposed changes in FERPA 99.31(a)(2) clarify that universities have the right to request that information after a student is enrolled and that the information includes all records--including health and disciplinary records--and that these records may be released without student consent (FERPA – Proposed rule, 2008). This change has also been adopted.

The APA favors the changes,

APA supports the clarification that an education institution or agency is permitted to disclose students' educational records to a school or post-secondary institution in which they are seeking enrollment or have enrolled. This information is particularly important not only to ease administrative burdens, but also to meet the educational needs of students as they move through the education pipeline and will enable the receiving institution to meet the unique educational needs of the student.

(Honaker, 2008)

However, APA wants to ensure that "records shared without consent should only be those records defined as educational records under FERPA and should not include other health or mental records related to the student that are not included under FERPA" (Honaker, 2008). Special education records or counseling

records maintained by the school when a student is under age 18 would be included in educational records by FERPA. The Virginia Tech Report points out the importance of access to such records:

And while the panel respects this answer [personal privacy protection], it is important to examine the extent to which such information is altogether banned or could be released at the institution's discretion. No one wants to stigmatize a person or deny her or him opportunities because of a mental or physical disability. Still, there are issues of public safety. That is why immunization records must be submitted to each new institution...but there are other significant threats facing students beyond measles, mumps, or polio (Virginia Tech Panel, 2007, p. 38).

And again from the Virginia Tech Report: "This much is clear: information critical to public safety should not stay behind as a person moves from school to school" (Virginia Tech Panel, 2007, p. 39).

State Privacy Laws

In addition to Federal clarification of privacy laws, each state must also clarify its privacy laws. The Report to the President finds that

In addition to federal laws that may affect information sharing practices, such as the Health Insurance Portability and Accountability Act (HIPPA) Privacy Rule and the Family Educational Rights and Privacy Act (FERPA), a broad patchwork of state laws and regulations also impact how information is shared on the state level. In some situations, these state laws and regulations are more restrictive than federal laws. (Leavitt, Spellings, & Gonzales, 2007, p. 7)

The Virginia Tech Review Panel (2007) recommends that the state attorney general's office offer guidance for state institutions for applying privacy laws. These guidelines should help alleviate confusion and "may also help clarify which differences in practices among schools are based on a lack of understanding and which are based on institutional policy" (p. 68).

Institutional Policies

Another recommended change would be to require universities to make institutional privacy policies public and to inform incoming students and their parents of those privacy policies in relation to federal and state laws. As a result of the Virginia Tech Shooting, colleges and universities are reevaluating the way they handle student information:

As the pendulum swings back to a more moderate ground located somewhere between in loco parentis and the notion of the college as a helpless bystander, it becomes essential for each institution to carefully consider its own philosophy and policies regarding parental involvement in campus and student safety issues. (Sells, 2002, p. 31).

In the past, many colleges and universities have used FERPA guidelines to support narrow privacy policies. With the adoption of recent changes, they are being forced to take a second look at those policies and set guidelines for when it is appropriate to share student information. Sells (2002) emphasizes this point:

It is critical that each campus carefully consider the circumstances under which parents will be notified of the broad range of emergencies, including illness, injury, suicide threat, or mental illness. Such parameters, once established, must be clearly communicated to parents

and students, preferably prior to the occurrence of crisis. It is essential that such policies be consistently interpreted and applied. (p. 33)

Along with colleges and universities taking a look at their own policies, many are encouraging states to adopt Third Party Notification legislation, which requires universities to offer students the option of identifying a third party the university must contact in the event of an emergency. Third Party Notifications are more effective than FERPA waivers, waivers signed by students that allow parents access to their school records, because a waiver, “allows a school to share information, but doesn’t require it to. So schools sometimes still withhold details, often because the administrators themselves are unclear on what the waivers cover” (Bernstein, 2007c). As an example, Patric Buchroeder signed a FERPA waiver and his father claimed him as a dependent. But when his father called his son’s academic advisor to discuss his son’s slipping grades, the counselor refused to talk to him and referred him to the registrar. A news report quotes Deborah S. Leliaer, the Vice President for University Relations at the University of North Texas where Buchroeder attended, explaining, “A waiver permits access to student information, but it doesn’t automate the flow of information. In most cases, it’s incumbent on the parent to make an inquiry (as cited in Bernstein, 2007c).

In contrast, Third Party Notification laws require colleges and universities to reach out to the student’s designated third party. In Colorado, students can select a person that the university can contact if the student is suicidal (Kaveeshvar, 2008). In Tennessee, colleges and universities are required to give students the option to let the university share confidential information under certain circumstances. Parents would be notified, for example, if their son or

daughter were a victim of a violent crime (Kaveeshvar, 2008). The Tennessee law, piloted at Middle Tennessee State University, requires universities to provide any information about a student's well-being, academic progress, or disciplinary status to any person who is responsible, at least in part, for the payment of the student's tuition and fees, except with respect to information that is required to be kept confidential by federal law.

("Changing Parent Demands," 2005, pg. 3)

Students who choose to enroll remain enrolled until they turn 21. They can opt out at anytime, though the third party will be notified ("Changing Parent Demands," 2005). In the pilot, third parties receive a newsletter each semester, final grades, access to a student's academic advisor, access to discipline records, and the option to work with a member of the academic support center to find answers to their questions ("Changing Parent Demands," 2005).

In summary, changes to FERPA and clarification of state laws will help universities avoid adopting overly strict privacy policies for fear of litigation and permit the gathering and sharing of information necessary to make sound decisions about threats to student health and safety. However, changes to FERPA will not necessarily affect overly strict privacy policies that reflect an institution's own philosophy. The public disclosure of an institution's own policy as it differs from state and federal law may help students and parents make informed decisions. In addition, access to third party notification systems will allow parents or other designated parties to receive information proactively even if an institution's own privacy policy would normally preclude disclosure.

The changes to FERPA protect privacy while reasserting the original intent of FERPA—to protect students and parents from institutional violations of

privacy rather than serving as a way for institutions to isolate students from parents and other support resources.

Chapter 3

Methodology

The overall objective of this research study is to determine the effectiveness of the FERPA training at a single, private university as it pertains to its employees' understanding of FERPA's health and safety exceptions and how to apply them. The specific objectives established to reach this goal are as follows:

- To perform a review of literature to determine how FERPA has been interpreted and implemented at other universities.
- To determine how clearly employees at the university understand FERPA guidelines.
- To determine if employees at the university are aware of FERPA's health and safety exceptions.
- To determine if employees at the university understand how to apply FERPA's health and safety exceptions in an emergency.

The methodology for this research project included gathering secondary data in a review of literature to gain an understanding of what FERPA policies are, including the health and safety exceptions, and to gain a general sense of how FERPA policies are interpreted at various universities. This knowledge provided a context for work to follow. Then primary data was gathered at a single, private university to gain an understanding of how well university employees understood the same policies and their potential for implementation. The data was gathered by using a survey sent out to a random sample of university employees representing about one-third of all employees at the university. Responses were compiled by the university's research office. The survey results were completely anonymous.

Before the survey was designed, the university's current interpretation of FERPA policies and its own viewpoints as represented in the university's access to student records policy was reviewed. The university's policy explicitly recognizes FERPA's health and safety exception. It allows the flexibility to disclose student information as necessary to help ensure a safe environment for all employees and students. The policy, established January 24, 2002, prior to the Virginia Tech Shooting, states that the university in general "will disclose information from a student's education records only with the written consent of the student" ("Access to Student Records," 2002), but makes clear exceptions in situations tied to student safety. For example, the policy clearly states that the university will disclose student record information "to appropriate parties in a health or safety emergency" ("Access to Student Records," 2002). In addition, parents who claim students as dependents can request information from student records. However, the policy goes even further in clarifying that the university "may disclose to parents of an eligible student information regarding violations of local, state, or federal law or of the Honor Code regarding the use or possession of controlled substances for student violators under the age of 21" ("Access to Student Records," 2002). While the policy doesn't require disclosure, it does make it clear that the university allows disclosure when student safety necessitates it.

The policy also shows a clear orientation to student safety over student privacy in its treatment of disciplinary proceedings. The policy allows the university "to disclose to the public the final result of a disciplinary proceeding" under specific conditions, including that "the student is an alleged perpetrator of a crime of violence or non-forcible sex offense, and the student has committed a

violation of the [University's] rules or policies with respect to the allegation" ("Access to Student Records," 2002). This permission to disclose does not extend to victims or witnesses, or any other student connected to the offense, without their written consent ("Access to Student Records," 2002). This policy allows the school to be more proactive in preventing a possible threat to campus safety rather than being reactive, responding to an established threat, and it is aligned with exceptions outlined in FERPA even prior to the most recent changes made therein.

The university is a private, four-year institution serving approximately 13,000 students. A simple random selection of 499 employees from the entire population of university employees was chosen by the university's research office. The sample was not selected based on a clustering approach, and the actual random selection algorithm was the =RAND function found in Excel. The employee population consisted of 253 administrators (16% of total employees), 865 instructors (full-time and part-time) (53% of total employees), and 500 staff (31% of total employees). The sample for this survey consisted of 76 administrators (15% of the sample), 254 instructors (51% of the sample), and 169 staff (34% of the sample). The percentages show that the sample was quite representative of the distribution of the general employee population.

The survey was distributed to the randomly selected employees by campus e-mail on January 26, 2010. The survey was programmed in DreamWeaver and ColdFusion and did not employ an external survey development program. The 499 employees (15% administrators, 51% faculty, and 34% staff) represented about one-third of the total campus employees at the university. There were no incentives offered to help boost the number of

returned surveys. The survey was identified as part of a master's thesis research project and participants were asked for their help. The survey remained open for 17 days, until February 12, 2010. After nine days had elapsed, a reminder was sent by email on February 4th, 2010 asking those who had not yet participated to respond, emphasizing that they had only one week left to participate. Because responses were completely confidential, it was not possible to identify those who had not completed the survey from those who had, so everyone in the sample population was sent a copy of both e-mails.

Of the 499 who received the survey, 37.40% of employees (187) returned the survey. Of those who returned the survey, 20.86% (39) were administrators, 49.20% (92) were faculty, and 28.34% (53) were staff, and 1.60% (3) did not identify their role on campus. As indicated earlier, the general employee population was composed of administrators (16%), instructors (53%), and staff (31%). Survey respondents offered a fairly accurate representation of the general employee population with just a slightly higher representation from administrators than one would find in the general employee population.

The survey consisted of twelve questions focused on participants' understanding of and training in FERPA regulations and the university's privacy policy, particularly those sections dealing with the health and safety exception clause. Three types of questions were used in the survey. Eight of the twelve questions were multiple-choice questions. Multiple response questions were used to gather a good deal of data across a single dimension in one question. Such questions were more economical than asking the same question repeatedly with different choices and allowed the identification of trends across responses. (Alreck & Settle, 2004, p. 118-119). For example, a multiple response question

was used to determine if employees understood whom to contact in case of a threat to campus health and safety. Since FERPA allows for certain multiple contact points while discouraging others, the question was designed to see how accurately employees identified sanctioned contact points. Single response, multiple choice questions were used to gather data that required respondents to provide a clear, single choice (Alreck & Settle, 2004, p. 118-119). For example, a single response question was used to determine if employees knew who, according to university policy, was the first point of contact in a health and safety emergency.

Likert scale questions were used to measure respondents' opinions while limiting possible responses. Likert scale questions allow respondents to express an opinion while still making it possible to compare responses (Alreck & Settle, 2004, p. 120). For example, a Likert scale question was employed to measure respondents' confidence in their understanding and application of FERPA guidelines.

In addition, two unstructured or open-ended questions were used to gather additional data. In such cases, the purpose was not necessarily to compare responses but to identify concerns or insights outside of the structured survey questions and to extrapolate general trends, if they existed (Alreck & Settle, 2004, p. 107). For example, an unstructured or open-ended question was used to find out how respondents defined the circumstances under which students would pose a threat to themselves or others.

Survey questions were designed to gather data sufficient to meet the study's objectives and focused on respondents' understanding of FERPA guidelines and FERPA's health and safety exemption as well as their

understanding of how to apply FERPA guidelines at their university. All survey questions had previously been reviewed and approved by the participating university's research officer as well as ASU's Office of Research Integrity and Assurance. (See Appendix A for a copy of the survey.)

The data was compiled in an Excel spreadsheet on February 12, 2010. The data for each question was analyzed, calculating the percentage of responses to each question set. In addition, all comments and open-ended responses were reviewed to extrapolate and define any emerging trends based on individual respondents' feedback. Once analysis was complete, data was recorded in tables and included in *Chapter Four: Results*.

Chapter 4

Results

The objective of this research study is to determine the effectiveness of the FERPA training at a single, private university as it pertains to its employees' understanding of FERPA's health and safety exceptions and how to apply them. This chapter first reviews and analyzes the primary data gathered from the survey, question by question, and then summarizes the findings and their significance as they apply to the following objectives:

- To determine how clearly employees at the university understand FERPA guidelines.
- To determine if employees at the university are aware of FERPA's health and safety exceptions.
- To determine if employees at the university understand how to apply FERPA's health and safety exceptions in an emergency.

Question 1: When did you last complete university FERPA training?

The university initiated a campus-wide privacy tutorial/assessment that covered FERPA guidelines in early 2009. Over several months, all campus employees were asked to complete the online privacy tutorial and sign and return a database access/confidentiality agreement to the university's Human Resources Department. All respondents to the survey associated with the present research as described in this thesis were thus expected to have completed that privacy tutorial within a year prior to responding to the survey.

Question 1 was designed to measure employee understanding of this requirement. Responses to Question 1 show a significant number of respondents were not aware that they had received or had the opportunity to

receive FERPA training. These results provide a context for future questions focused specifically on their confidence in complying with FERPA guidelines and their understanding of specific aspects of FERPA policies. Table 1 shows when respondents said they last received FERPA training.

It is interesting to note that approximately 50% of respondents claim that they took FERPA training more than a year ago or that they never took it. It is unclear, based on the existing data, whether respondents failed to recognize FERPA training because the university's training was referred to as "Privacy Training," whether they did not remember the training, or whether they failed to complete it as required. However, the large number of respondents who claim they received FERPA training more than a year ago or never received it calls into question the effectiveness of the current university training since all employees were required to complete that training, which dealt with FERPA, throughout the early part of 2009. The survey was distributed on January 26, 2010 and closed on February 12, 2010. All respondents should, therefore, have completed training within the last year. Not participating in recent FERPA training or not recognizing it or learning it well can contribute to a lack of understanding of this important law.

Table 1

FERPA Training Completion

5.35% (10)	Within the last 3 months
12.30% (23)	Within the last 6 months
32.09% (60)	Within the last year
36.36% (68)	More than a year ago
13.37% (25)	Never
0.53% (1)	No response

Question 2: I understand FERPA guidelines and feel confident in the way I manage student information.

This question was designed both to measure respondents' confidence in their understanding of FERPA guidelines, and also as a comparison point for question one. Respondents rated their confidence using a Likert scale. (Table 2 shows responses.) Approximately one third of respondents did not indicate that they understood FERPA guidelines or did not feel confident in managing student information. The paucity of recent training identified in Question 1 may be a contributing factor to many respondents' lack of confidence in their own understanding of FERPA guidelines.

Table 2

Confidence in Managing Student Information

20.32% (38)	Strongly agree
45.45% (85)	Agree
25.13% (47)	Neither agree or disagree
6.42% (12)	Disagree
2.14% (4)	Strongly disagree
0.53% (1)	No reply

Question 3: Given a choice, the university should opt for

- **A strict policy of non-disclosure to protect student privacy and autonomy**
- **A lenient, more proactive policy of disclosure to ensure student safety**

Table 3

Institutional Policy Preference

33.69% (63)	Strict policy of non-disclosure
56.68% (106)	Lenient, proactive policy of disclosure
9.63% (18)	No reply

This question draws on research discussed in Chapter 2 that indicates that many universities adopt either a strict, non-disclosure policy or a lenient, more proactive policy. This university's stated policy reflects a more lenient, proactive approach. This question was designed to measure respondents' views on this important policy preference as well as to determine if employees' responses aligned with current university policy.

A majority of respondents favored a more lenient, proactive policy of disclosure, which is exactly what current FERPA regulations allow and what the current university policy fosters.

In addition, respondents were also asked in this question to explain their choice or offer an alternative. Table 4 identifies the preferences respondents expressed as they explained their choices or offered their own alternatives.

Table 4

Explanation of Preference

Safety Preference	Privacy Preference	Issue of Privacy not Connected to Safety	Neither Option
42.15% (51)	23.14% (28)	15.70% (19)	19.01% (23)

Nearly two thirds of respondents simply reinforced their initial choice with their comments. Two respondents were clearly aware of FERPA's health and safety exceptions. One explained, "FERPA guidelines are in place to ensure the safety of students and their information" (See Appendix B). The majority of

respondents who expressed a preference for safety simply favored campus safety over privacy: “To me, safety is more important than privacy” (See Appendix B). Another respondent explained, “Individual rights should not put others at risk” (See Appendix B).

Those who expressed a preference for privacy viewed privacy as more important than possible safety issues: “Students’ information should not be freely given to anyone” (See Appendix B). Some comments echo the attitudes of the “bystander” approach to student privacy outlined in the review of literature. For example, one respondent commented, “They are adults and should be treated accordingly” (See Appendix B). A number of those who expressed a preference for privacy focused on the dangers of disseminating information too widely or being careless with student information: “I believe that the university is a steward of peoples information and does not have the right to be lenient or careless with it” (See Appendix B).

Many respondents simply did not want to choose between privacy and safety. Their responses often expressed confusion about the connection between the two. One respondent explained, “I lean toward this but I will be honest, I am not well versed in the implications of either choice” (See Appendix B). Another respondent also expressed confusion: “I am not familiar with the policy and can’t comment on making it more lenient” (See Appendix B).

Of particular interest in the context of this study are respondents’ comments that focused on the need to share student information for university business, but yet did not link that need to campus health and safety. For example, one respondent asserted, “Sometimes it’s necessary to access student information for college/university business” (See Appendix B). This focus on

academic records and privacy only as it pertains to university operations is highlighted in other comments as well: “We should balance student privacy and autonomy with faculty helpfulness. How can we serve them if it is a hassle to get their information?” (See Appendix B). Another respondent clearly sees FERPA as limited to safeguarding students’ academic records: “I am not sure that I understand what student grade records have to do with student safety” (See Appendix B).

Some comments were in support of a more restrictive policy because of misunderstanding and fear as discussed in Chapter 2. For example, one respondent asserted, “A lenient policy opens the door for lawsuits and loss of employment” (See Appendix B). Still another stated, “In my opinion, government regulations are such that virtually no information can be disclosed” (See Appendix B).

Question 4: Under what circumstances do you believe a student starts to pose a threat to him/herself or others?

This question was designed to identify how respondents defined a threat to health and safety. One objective of this study was to find out if employees understand how to apply FERPA’s health and safety exemption in an emergency. If employees do not have a clear understanding of what might qualify as a threat to health and safety, they are less likely to apply FERPA guidelines effectively. Responses to this open-ended question made it possible to better extrapolate trends and determine if there were any shared definitions as to what constitutes a threat.

A review was made of comments with the intent of categorizing those circumstances mentioned most often. Some comments were difficult to

categorize, and others potentially fell within more than one category, but the following table summarizes the most common responses.

Table 5

Definitions of a Threat

Verbal or written threats of violence	Physical violence	Indicators of aggression or mental illness	Indicators of depression or suicide	Not sure
54	30	25	10	11

(For complete comments, see Appendix C)

The responses reveal a broad spectrum of circumstances. For example, one respondent's comment runs the spectrum from an obvious threat of violence to abnormal behavior: "Well, there are some obvious ones like he is waving a gun around or has a bomb strapped to his body. However, strange behavior can also indicate potential problems." Several comments reflect vague definitions such as the following: "When an individual infringes on the rights of others to privacy and security." It is interesting that relatively few respondents chose suicide.

Question 5: According to FERPA, if a student poses a threat to himself or others, employees should contact: (Check all that apply)

Table 6

Points of Contact to Report Threat

Dean of Students	Parents or Spouse	Law Enforcement	Campus Security
67.38% (126)	19.79% (37)	42.78% (80)	63.64% (119)
Roommates	Bishop or Religious Leader	Co-Worker	Employee's Immediate Supervisor
8.56% (16)	16.58% (31)	5.88% (11)	41.71% (78)

Under FERPA, individuals to whom reports of threats can be legitimately made include school officials with a legitimate educational interest, parents of a

dependant student, and individuals who need access to information in a health or safety emergency (FERPA – Final Rule, 2008, p. 74838-74839). The majority of respondents seem to be aware of these distinctions.

Of the choices offered in the survey, the students' parents or spouse, roommates, bishop or other religious leader, and co-worker are probably not appropriate as a primary contact under most circumstances. In general, disclosure for an emergency should be made to a professional who is trained to evaluate and respond to the type of emergency that is occurring. Further, it's important to note that current FERPA law, while providing opportunities for disclosure, does not mandate disclosure.

Respondents were also given the option to identify another contact. Three respondents identified other avenues of contact. One identified the Student Records Office, one identified the State Health and Welfare Agency, and one identified the Counseling Center as possible contact points. (See Appendix D for other comments.)

Question 6: According to university policy, the first point of contact when faced with a student who may pose a threat to himself or others is:

Table 7

University's First Point of Contact

Dean of Students	Parents or Spouse	Law Enforcement	Campus Security	Roommates
29.95% (56)	1.07% (2)	17.11% (32)	26.74% (50)	0.53% (1)
Bishop or Religious Leader	Co-Worker	Employee's Immediate Supervisor		No Reply
2.14% (4)	0.00% (0)	17.65% (33)		4.81% (9)

Current university policy is that the primary contact point if a student poses a threat to himself or others is the Dean of Students. The Dean of Students' office would then disseminate the information as necessary to others who can, under FERPA regulations, be notified. Given the opportunity to identify all allowable contacts under FERPA in Question 5, respondents identified three main points of contact: the dean of students, law enforcement or campus security, and an immediate supervisor. However, when asked to identify a single point of contact as identified in university policy, responses varied widely with nearly an even split between those identifying the Dean of students and campus security. A number of respondents identified the employee's immediate supervisor and law enforcement as the first contact point. Results show that respondents, as a whole, did not have a clear understanding of university policy in this case and did not understand how to apply FERPA guidelines in accordance with university policy.

Question 7: Under FERPA regulations, which of the following generally cannot be disclosed outside the university? (Check all that apply)

Table 8

FERPA Regulations - Information that Cannot be Disclosed

Grades	Attendance	Personal Identification Numbers	Medical History
82.89% (155)	5.24% (122)	89.30% (167)	81.82% (153)
Psychological History	Observed Conduct	Correspondence	Criminal Record
80.21% (150)	37.43% (70)	48.66% (91)	52.41% (98)

These results illustrate respondents generally have a clear understanding of FERPA guidelines for safeguarding students' academic records. However,

they also highlight confusion about how FERPA regulations treat medical histories and criminal records.

Question 8: Which information can the university access and share within the university as a means to evaluate a student who appears to pose a threat to himself or others?

Table 9

Information That Can be Shared Within the University in a Health or Safety Emergency

Grades	Attendance	Personal Identification Numbers	Medical History
58.29% (109)	63.64% (119)	50.27% (94)	46.52% (87)
Psychological History	Observed Conduct	Correspondence	Criminal Record
49.73% (93)	81.28% (152)	58.29% (109)	48.13% (90)

FERPA's health and safety emergency clause has always allowed institutions to "disclose personally identifiable information from education records to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals" (FERPA Proposed Rule, 2008, p. 15589). In case of an emergency, the university may share internally any or all of the information in the categories listed above. And yet respondents seemed on the whole unaware of this important exception. In most categories, 42-53% of the respondents felt this information could not be shared in a health or safety emergency.

Question 9: I have easy access to University FERPA policies.

Table 10

Ease of Access to FERPA Policies

19.25% (36)	Strongly agree
37.97% (71)	Agree
29.41% (55)	Neither agree or disagree
8.56% (16)	Disagree
2.14% (4)	Strongly disagree
2.67% (5)	No reply

Respondents rated their confidence using a Likert scale. The majority of respondents felt they had easy access to University FERPA policies, but quite a large percentage, nearly 30%, were not sure. Another 10% disagreed. In addition, the results here closely approximate the results from Question 2, which measured respondents' confidence in their understanding of FERPA and their ability to manage student data. It is interesting to note that respondents felt confident in their ability to apply FERPA nearly to the same degree in every category as they felt they had easy access to university FERPA policies. Whether this is coincidental or evidence of a causal link is not certain. The important point is that over 40% of respondents indicated a need for greater access to FERPA policies.

Question 10: In what function do you serve on campus?

Table 11

Respondents' Roles on Campus

20.86% (39)	Administration
49.20% (92)	Faculty
28.34% (53)	Staff
1.60% (3)	No Reply

Nearly half of the respondents were faculty members on campus, with staff and administrators comprising the remainder of the sample. This sample reflects, relatively closely, the proportions of those to whom the surveys were originally sent.

Question 11: How many hours a week do you spend working directly with students?

Table 12

Time Spent Working Directly with Students

24.06% (45)	Less than 10
24.60% (46)	10 to 20
28.34% (53)	20 to 30
20.86% (39)	30 or more
2.14 % (4)	No reply

The sample equally represents faculty, administration, and staff from all levels of student contact, from those who spent 30 or more hours each week working directly with students to those who worked with students less than 10 hours a week.

Question 12: Any thoughts or concerns that you have about FERPA policies and/or training?

Comments were reviewed, taking note of those that shared a common theme or emphasis. Some comments were difficult to categorize, but the following table summarizes the most common responses.

Table 13

Comments on FERPA Policies and/or Training

Expressed a need for more training	Expressed confusion about policies	Expressed a desire for easier access to policies	Recognized training on safeguarding information; need training on safety
27	8	6	5

Summary of Findings

Employees' Understanding of FERPA Guidelines

Over a third of respondents (34.2%) indicated that they did not clearly understand FERPA guidelines or feel confident in managing student information (See Table 2). This is of concern because those who do not understand guidelines cannot generally be expected to follow them. The survey results indicated that a large percentage of employees would not likely act appropriately in an emergency. This suggests the need for better or more frequent training in FERPA policy and implementation.

The other two thirds of respondents (65.77%) felt confident in their understanding of FERPA guidelines. That confidence is illustrated in the survey responses to Question 7. The university's privacy tutorial and assessment focuses specifically on the areas highlighted in Table 14: grades, personal identification numbers, and medical records (potentially under HIPPA). In each of these instances, those surveyed showed a reasonably clear understanding of FERPA regulations. However, those surveyed showed less confidence in handling information outside the bounds of the university's tutorial—categories like correspondence, observed conduct, and criminal record. This suggests that the current training is relatively effective in communicating clear guidelines for the

protection of students' academic records but not as effective in communicating what information can be shared given other circumstances, such as a threat to employee or student safety.

Table 14

Comparison of FERPA Guidelines Reviewed in Training and Respondents' Consensus in Identifying Information that Generally Cannot be Disclosed

Grades	Attendance	Personal Identification Numbers	Medical History
82.89% (155)	65.24% (122)	89.30% (167)	81.82% (153)
Psychological History	Observed Conduct	Correspondence	Criminal Record
80.21% (150)	37.43% (70)	48.66% (91)	52.41% (98)

The survey indicates that while employees at the university have a fairly clear understanding of how to manage and safeguard students' academic records, they do not have a clear understanding of the FERPA guidelines underlying those standards or the exceptions to those guidelines.

Employees' Awareness of FERPA's Health and Safety Exceptions

This study suggests that many employees at the university are not aware of FERPA's health and safety exceptions. Responses to Question 3 focused on whether respondents favored a strict policy of non-disclosure to protect student privacy and autonomy or whether respondents favored a lenient, proactive policy of disclosure to ensure student safety. Some respondents did recognize that exceptions to FERPA guidelines were possible.

However, others comments expressed confusion at the question, illustrating that some employees did not see a connection between privacy policy and health and safety: "I am not sure that I understand what student grade

records have to do with student safety” (See Appendix B). Another respondent also identified FERPA regulations as limited to academic records: “Sometimes we need to understand a student’s background to be able to counsel them or make decisions concerning class/career direction” (See Appendix B).

Still other comments illustrated a misunderstanding of the policy. Nearly 34% of respondents favored a strict institutional policy of non-disclosure. Comments explaining that preference revealed that some employees shared many of the misunderstandings of FERPA’s guidelines outlined in Chapter 2 and illustrated in Virginia Tech’s response to Cho. For example, one respondent explained, “In my opinion, government regulations are such that virtually no information can be disclosed. Thus we see the shootings such as those at Fort Hood, that could have potentially been averted but due to all the regulations and discrimination potential were not. Unfortunately, its not till a individual walks into class and starts shooting that [...] the law will allow us to say we have a problem” (See Appendix B). This belief that colleges and universities simply cannot share information under any circumstance is echoed in another respondent’s comment: “There are a lot of circumstances that prevent parents from doing things for their children because of FERPA because we cannot give out certain information” (See Appendix B).

Another respondent gives voice to fears of litigation, believing, “A lenient policy opens the door for lawsuits and loss of employment” (See Appendix B). This fear, as research in Chapter Two has shown, is largely unfounded. Under FERPA, lawsuits and loss of employment for sharing information is highly unlikely. However, the fear persists. One comment illustrates the very reason

many colleges and universities had adopted strict non-disclosure policies in the past, “It is better to err on the side of caution” (See Appendix B).

Question 7 focused on information that could not be generally disclosed outside the university. Nearly 81.82% believed that medical histories could not be disclosed, and a little over half of the respondents believed criminal records could not be disclosed. These responses highlight confusion about how FERPA’s health and safety exceptions affect the treatment of medical and criminal records.

While many employees might assume that a student’s medical history would be covered by HIPAA (Health Insurance Portability and Accountability Act), in most cases, medical histories maintained by a university aren’t governed by HIPAA. The *Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) And the Health Insurance Portability and Accountability Act of 1996 (HIPAA) To Student Health Records* released by the U.S. Department of Health and Human Services and the U.S. Department of Education (2008) clarifies the relationship between HIPAA and FERPA:

As a covered entity, the school must comply with the HIPAA Administrative Simplification Rules for Transactions and Code Sets and Identifiers with respect to its transactions. However, many schools, even those that are HIPAA covered entities, are not required to comply with the HIPAA Privacy Rule because the only health records maintained by the school are ‘education records’ or ‘treatment records’ of eligible students under FERPA, both of which are excluded from coverage under the HIPAA Privacy Rule. (p. 3)

For the most part, student medical histories are categorized as “treatment records” and, as such, are considered educational records under FERPA regulations. In most cases, such records are only shared in connection with the patient’s treatment. However, post-secondary institutions can release treatment records with the student’s written consent or in response to FERPA’s health or safety emergency exception. In the example cited in *Joint Guidance* (2008), a physician could disclose information about treatment without a student’s permission to his/her parents if the parents claim the student as a dependent or to the parents or other parties in case of a health or safety emergency. However, once treatment records are disclosed, they “are no longer excluded from the definition of ‘educational records’ and are subject to all other FERPA requirements as ‘education records’ under FERPA” (p. 7-8).

While a large majority of respondents believed that such treatment records could not be disclosed under FERPA, there are conditions, including threats to health and safety, under which a student’s treatment records can be disclosed without the student’s permission.

Over half of respondents also believed that FERPA prohibited the disclosure of a student’s criminal record. A letter to Montgomery County Public Schools submitted by LeRoy S. Rooker, the Department of Education’s Director of the Family Policy Compliance Office (2006), clarifies the status of law enforcement records, explaining that such records are “exempt from the definition of ‘education records’” so that “[R]ecords maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement” are not recognized as records regulated by FERPA (p. 2). Based on the amendment to FERPA

made in July 1992 and cited in Rooker's letter of clarification (2006), "FERPA no longer prevents a campus law enforcement division from disclosing to outside parties law enforcement unit records, including campus security incident reports, that were created by the law enforcement unit for a law enforcement purpose" (p. 2).

Employees' Understanding of How to Apply FERPA's Health and Safety

Exceptions

The study showed that at this university many employees do not generally understand how to apply FERPA's health and safety exceptions.

It is difficult to apply FERPA's health and safety exceptions if employees do not have a clear understanding of what constitutes a threat to health and safety. Responses to Question 4, which asked respondents to identify the circumstances under which they believed a student started to pose a threat to him/herself or others, indicated that many employees at this university did not have that understanding. Responses varied widely without a clear consensus as to what circumstances might pose a threat. A significant number of respondents simply weren't sure how to define a threat. Only ten respondents identified suicide as a circumstance indicating a possible threat, and yet suicidal ideation or suicidal impulse is often associated with mass violence (Plutchik and van Praag, 1990). It clearly is an indicator of a potential threat to self.

Employees' confusion as to how to apply FERPA's health and safety exceptions is also illustrated in questions focused on whom employees should contact in a potential health and safety situation. Question 5 asked employees whom they should contact, according to FERPA guidelines, if a student posed a threat to himself or others. Respondents clearly identified key contact points:

Dean of Students (67.38%), Campus Security (63.64%), law enforcement (42.78%), and immediate supervisor (41.71%) (See Table 6).

What is interesting is that when respondents were asked in Question 6 which party, according to university policy, should be the first point of contact when faced with a threat to campus safety, there was no clear consensus. While 29.95% of respondents identified the Dean of Students as the first contact point, nearly as many, 26.74% identified campus security as the first contact. 17.65% selected law enforcement as first contact with nearly as many (17.11%) identifying their immediate supervisor as the first contact point (See Table 7).

It seems like a situation similar to this existed at Virginia Tech prior to the shooting. Housing residents contacted law enforcement, the Virginia Tech Police Department, with their concerns. The psychiatric hospital to which Cho was admitted briefly contacted the university's counseling center. Cho's English teacher contacted her immediate supervisor who contacted the Associate Dean of Students (Virginia Tech Review Panel, 2007). Employees reached out to several different parties, but because a consistent method advocated by policy was not in place for the sharing of that information, there was no coordinated effort to resolve the threat. Confusion about whom to contact in the case of a threat to student safety does have the potential to create information silos, as outlined in the Report to the President (2007), where information is held in separate areas on campus, each acting independent of the other (Leavitt et al., 2007, p. 7). These silos make it difficult to effectively respond to a threat to health and safety.

In addition to many employee's confusion about whom to contact first in a health or safety emergency, responses also indicated that employees were

confused about what information they could share within the university in a health or safety emergency. Responses to Question 8 indicated that a significant number felt confident sharing a student's observed conduct (81.28%), but respondents were nearly split down the middle in every other category (See Table 9). These results suggest that many employees do not have a clear understanding of which information they can share within the university during an emergency. This confusion may make some employees more likely to withhold information, creating information silos which form the basis for making poor decisions as happened at Virginia Tech in response to Cho.

The need for a better understanding of how to apply FERPA was also manifest in respondents' own comments. Of the 46 employees who responded to Question 12 with thoughts or concerns about FERPA policies and/or training, 46 (83.64%) expressed a desire for more training. Respondents expressed a need for more consistent training, face-to-face training, and training that included guidelines for dealing with threats to health and safety (See Appendix E for complete comments).

Chapter 5

Conclusions And Recommendations

Conclusions

As a result of a review of the literature and an analysis of survey results, it was possible to reach the research objectives for this study.

The review of literature made it possible to identify the issues colleges and universities faced most often when implementing FERPA guidelines and training employees. That background information made it possible to design survey questions to elicit the data necessary to reach the study's objectives. In addition, the review of literature provided the necessary context to better understand and analyze the survey results.

One objective of the current study was to determine how clearly university employees understood FERPA guidelines. The survey shows that the privacy training that has occurred, dealing specifically with academic information, has been effective. The survey indicates that campus employees understand how to safeguard student information. However, there are some important gaps in respondents' understanding of FERPA guidelines.

Another objective of the study was to determine if university employees were aware of FERPA's health and safety exceptions. The survey indicates that university employees are not, on the whole, aware of FERPA's health and safety exceptions. Employees do not appear to have a clear understanding of how to share information in response to a threat to health and safety. As one respondent explains, "The training that they have done [...] focused on privacy of information is effective. There is a need for more training on [the] health and safety aspect of FERPA" (Appendix E).

Finally, the study sought to determine if university employees understood how to apply FERPA's health and safety exceptions in an emergency. The survey indicates that even when employees could identify possible contact points to whom they could report concerns, they did not have a shared understanding of what circumstances might constitute a threat or whom to contact first according to university policy.

Recommendations

The existing privacy training should be designated as FERPA training so that university employees recognize the connection between student privacy and FERPA guidelines. FERPA has applications broader than simply protecting student privacy. In addition, the existing training should be expanded to include health and safety exceptions such that employees understand the exceptions and know how to implement appropriate responses. This need is echoed by one respondent's observation, "We were thoroughly trained regarding policies with regard to disclosure of data and such, but not so much regarding what to do with those who present serious risk of harm. I had to guess on some of the policy questions" (See Appendix E).

Future FERPA training should also include a clear designation of the first point of contact for university employees who wish to report a possible threat to campus safety. This need is highlighted in the responses from those who offered additional comments when asked who they should contact if faced with a student who posed a threat. Two respondents were aware of the current university's policy to contact the Dean of Student. Most identified other contact points that were not in accordance with university policy. Still others admitted they simply did not know, "I really have no idea and have just guessed" (See Appendix D).

The training should also clearly indicate any exceptions to this guidance, such as when violence has already started.

Finally, the findings of this study should be shared with university administrators having oversight of university FERPA training and implementation. Many respondents recognized this need as represented here: “I realized from this survey that I really do not know much about FERPA. I think the University should teach us more about it, more often, or make sure everyone knows about the policies” (See Appendix E).

Recommendations for Further Research

This study suggests that on some levels the university may be prone to developing information silos. This concern is echoed in one respondent’s comment on the institution’s policy, “FERPA guidelines are in place to ensure the safety of students and their information, but paramount to good handling of information is having it in the hands of the right people. If strict policies are in place so that those that should have the information are hindered from getting it, then the policy has worked against itself” (See Appendix B). Further research may help to identify potential silos and ways to open lines of communication so that information can be easily accessed and shared in the case of a threat affecting campus safety. This is typically achieved through the formation and maintenance of a threat assessment team.

This study focused on a private university with a fairly homogenous student and employee population. To determine if the results of this study can be extended beyond this campus, the study would need to be replicated at a different university, for example at a public university with a diverse student and employee population.

Future research may also focus on how different types of employees (faculty, staff, and administrators) understand and interpret FERPA guidelines differently, offering new insights into the types of training each population might find most valuable, a question beyond the scope of the current study.

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APPENDIX A
SURVEY QUESTIONS

The following is a copy of the survey distributed to a sample of university administrators, faculty, and staff.

1. When did you last complete university FERPA training?
 - a. Within the last 3 months
 - b. Within the last 6 months
 - c. Within the last year
 - d. More than a year ago
 - e. Never
2. I understand FERPA guidelines and feel confident in the way I manage student information.
 - a. Strongly agree
 - b. Agree
 - c. Neither agree or disagree
 - d. Disagree
 - e. Strongly disagree
3. Given a choice, the university should opt for:
 - a. A strict policy of non-disclosure to protect student privacy and autonomy.
 - b. A lenient, more proactive policy of disclosure to ensure student safety.
4. Under what circumstances do you believe a student starts to pose a threat to him/herself or others?
5. According to FERPA, if a student poses a threat to himself or others, employees should contact (Check all that apply)
 - a. The Dean of Students Office
 - b. The students' parents or spouse
 - c. Law enforcement
 - d. Campus security
 - e. Roommates
 - f. Student's bishop or other religious leader
 - g. Co-Worker
 - h. Employee's immediate supervisor
6. According to university policy, the first point of contact when faced with a student who may pose a threat to himself or others is:
 - a. The Dean of Students Office
 - b. The students' parents or spouse
 - c. Law enforcement
 - d. Campus security
 - e. Roommates
 - f. Student's bishop or other religious leader
 - g. Co-Worker
 - h. Employee's immediate supervisor

7. Under FERPA regulations, which of the following generally cannot be disclosed outside the university? (Check all that apply)
- a. Grades
 - b. Attendance
 - c. Personal identification numbers (I-number / Social security number)
 - d. Medical history/information
 - e. Psychological history/information
 - f. Observed conduct
 - g. Correspondence (e-mail)
 - h. Criminal record
8. Which information can the university access and share within the university as a means to evaluate a student who appears to pose a threat to himself or others?
- a. Grades
 - b. Attendance
 - c. Personal identification numbers (I-number / Social security number)
 - d. Medical history/information
 - e. Psychological history/information
 - f. Observed conduct
 - g. Correspondence (e-mail)
 - h. Criminal record
9. I have easy access to University FERPA policies.
- a. Strongly agree
 - b. Agree
 - c. Neither agree or disagree
 - d. Disagree
 - e. Strongly disagree
10. In what function do you serve on campus?
- a. Administration
 - b. Faculty
 - c. Staff
11. How many hours a week do you spend working directly with students?
- a. Less than 10
 - b. 10 to 20
 - c. 20 to 30
 - d. 30 or more
12. Any thoughts or concerns that you have about FERPA policies and/or training?

APPENDIX B

QUESTION THREE COMMENTS

The following is a collection of all comments associated with survey question three. Respondents were asked to choose whether the university should opt for a strict privacy policy of non-disclosure to protect student privacy and autonomy or adopt a more lenient, more proactive policy of disclosure to ensure student safety.

Respondents were asked to explain their choice or offer an alternative. Their responses are included below.

- students need to be ensured privacy
- Students deserve privacy. If I were a student, I would want it, too.
- I think students deserve the privacy.
- Knowing a threat may come, based on information from a disclosure, would be a benefit to Campus Security.
- Students' information should not be freely given to anyone.
- Safety is more important than privacy.
- I think we are big enough to make our own decisions about what information we allow others to see.
- There are a lot of circumstances that prevent parents from doing things for their children because of FERPA because we cannot give out certain information.
- Knowing how important grades and confidentiality are, there are students who need extra protection from outside campus problems. If information were more lenient, then the rights of the students and faculty/staff would not be protected.
- I would think a more strict policy would be better for FERPA regulations
- Individual rights should not put others at risk.
- I believe that the only exceptions should be when the student is a danger to himself/herself or to other people, when child abuse is occurring and should be reported, or when a judge's order requires disclosure.
- Safety first!
- To protect the student and the university
- I am not sure that I understand what student grade records have to do with student safety.
- I believe that the classroom needs to be a place where students feel safe making mistakes conceptually, or they will not learn. If many or most do not feel comfortable that their nearest neighbor knows their score, I consider that a failure. Under current law, and by principle, that is their choice, of course. This is a higher standard, and of course includes feeling safe from physical injury or violence.
- We've seen shootings at other universities; we need to prevent such incidents here. Sharing info proactively with the right people may help.
- Parents need to know what is going on with their student children. Some information needs to be shared between University and home. Example, major medical procedure.
- The meaning of the second statement is unclear so, I leave this one blank.
- The rights of the many outweigh the rights of the one.
- Their right to privacy ends at the end of their fist...to alter a phrase regarding individual rights vs. the greater good.

- I believe there are some circumstances where student information could be important for student safety, and only in these certain circumstances should this information be available.
- This is a difficult question because it really is a matter of considering the needs in each individual case.
- To me, safety is more important than privacy.
- I am somewhat concerned that we allow the rights of the individual student to supersede the right of safety of others. E.G. Virginia Tech 2006. The challenge, of course, is balancing the need to know with the right to know without jeopardizing the individual student.
- Student safety, and the safety of others on campus should be our first concern. And confidential information can be shared and handled such that student's confidential information is protected.
- I believe safety of others (including self) outweighs an individual's need for total privacy. When these two important elements come in conflict I believe the scale should tip to the side of safety. However, even in cases of safety risk, intrusions into privacy should be as minimal as possible to meet the safety risk.
- Sometimes it's necessary to access student information for college/university business.
- The question isn't the best because it assumes you have to choose between safety and privacy when often the two do not compete, however, when push comes to shove I choose safety over privacy.
- Protecting personal information is important but safety is of greater importance. If there is a safety risk, that risk should be managed in a way to insure the safety of others.
- They are adults and should be treated accordingly
- I agree with confidentiality, but the FERPA law does allow for some disclosures already when it pertains to student safety.
- Privacy is more important.
- In my position as a head resident, I deal with more safety issues. When it comes to the safety of my students I will do what I need to get or give any information necessary.
- The decision about what information a student wants available and accessible to the university should rest with the student and they should be able, within structured parameters to select those things that are in the public purview and those things in which they desire privacy.
- Leniency allows for potential errors to creep into the process.
- I support student privacy, but if there is potential harm particularly to others then we should be more proactive.
- In my opinion, government regulations are such that virtually no information can be disclosed. Thus we see the shootings such as those at Fort Hood, that could have potentially been averted but due to all the regulations and discrimination potential were not. Unfortunately, it's not till an individual walks into class and starts shooting that the law will allow us to say we have a problem.
- Information is crucial for decision making.
- Information can be stolen easily
- That way there is no wondering where the grey line is.
- I never give out information over the phone because you never really

know who you are talking to.

- neither, a student's medical history could be something he is very protective to defend. middle of the road seems to fit the bill.
- A flexible policy will allow for quicker adaptation to unique situations.
- I think that student safety should always be paramount.
- NA
- I work with students with disabilities and find that it is more helpful than not to have access to their information in order to better meet their needs.
- Student safety is always a good idea.
- The college is only one avenue for access to information and it is not always accurate. there are better means to find intel.
- A lenient policy opens the door for lawsuits and loss of employment.
- Private information can be shared and used to help people. We should be careful about how and with whom it is shared, but there are times when it should be shared.
- I am not familiar with the policy and can't comment on making it more lenient.
- I believe that all parties involved should know what is going on.
- I'm not sure either way, but the word strict sometimes means 'putting policy ahead of people', and I like it when there is someone 'in charge' who can consider the people and common sense issues when enforcing policy.
- If a student's health is at risk, then I would hope some information could be disclosed--but with the student's consent.
- I'd prefer not to have access to information rather than have access and fail to do something productive with it.
- We should balance student privacy and autonomy with faculty helpfulness. How can we serve them if it is a hassle to get to their information?
- We should be careful with student information but too many regulations can make the work we need to do cumbersome.
- Safety should always be top priority.
- I deal with students engaged in high risk community service. If anyone was aware one of our students was likely a danger to self or others it would be of highest importance to protect the vulnerable public we serve.
- Situations in which student well being may be compromised by NOT disclosing relevant information must be avoided, even if the student's privacy is subject to short term compromise. Wisdom should dictate the decision.
- This safeguards sensitive information. A release is always available if a student wants information released.
- I feel that a strict policy should be in place to protect most students, however, there may be instances where a more lenient area may be needed to be recognized to protect a student from himself or others... hard to say.
- If the University used a strict (undeviating) non-disclosure posture, I am sure times would arise when a student's safety and well being and/or safety could be threatened.

- I think it should be both. There definatley needs to be a strong set of policies/guidlines to follow to keep student's information safe, but with the right training we as faculty/staff can be proactive without having to be "commanded in all things".
- Student safety should come first however student information should only be used when absolutely necessary.
- FERPA guidelines are in place to ensure the safety of students and their information, but paramount to good handling of information is having it in the hands of the right people. If strict policies are in place so that those that should have the information are hindered from getting it, then the policy has worked against itself.
- I am not sure I understand this question. I am not sure what is being disclosed here. In general, I support privacy protection. However, if a student will die if privacy is not violated, we should act to protect the student.
- Some of the information that faculty and employees have regarding students is useful when coueseling students or discussing the best way to assist students with other faculty and employees. It is also occasionally appropriate to discuss some details of student information in letters of recommendation to other institutions. In general, the current FERPA guidelines allow for these provisions.
- At least officially, the University has to maintain a strict policy. If it doesn't, then result may very well degrade into nothing and any reason for disclosure seems justifiable.
- If we are lenient then we are more prone to give in to student demands which in the long run will hurt our institution
- I think that some students' parents need to know when their children, even when they are over 18, are struggling in their classes, especially when those parents are still providing significant emotional and financial support to their dependents.
- I believe in trying to help the students, but I do believe their privacy should be respected too.
- There are times when a teacher, or administrator needs to have access to some limited student records. A strict policy would inhibit helping the student. However, there must be guidelines to prevent abuse of student information.
- Making it better to work in indivdual areas , allowing the water to get to the end of the row, but serve student effectively.
- Individuals who are in daily contact with someone who is a threat should have the right to know how respond and how to recognize warning signs.
- I want to know if a student poses a threat.
- FERPA does not preclude disclosure of student information to proper authorities when safety is in question.
- A strict policy of non disclosure has the possiblity to protect the student who posses a threat and leave others at risk
- I think of the shooting at Virginia Tech a couple of years ago. If someone would/could intervene, many lives could have been saved.
- sometimes we need to understand a student's background to be able to counsel them or make decisions concerning class/career direction.

- Strict policies do not allow for the flexibility and good judgement often needed in the real world. Exceptions will always arise and strict policies do not allow for this.
- Universities have some responsibility for the students on their campuses. A more lenient and proactive policy of disclosure might help not only the student in need of some interaction for their safety, but others on campus as well.
- Tough choice. While privacy is important, there could be extenuating circumstances where that should be superceded. I'd leave that door open if I could.
- Question is unclear to me. I understand the first option, but the second is too vague to answer.
- The use of "proactive" isn't clear to me here. Also, I don't know what kind of safety issues would be involved. Without knowing what kind of safety issues we could face, I can't say that I think we should give up privacy to protect safety.
- Sometime we need to know more information about a student. Especially if they owe us money or have committed fraudulent behavior
- Neither, a policy should be clear enough to prevent abuse but not strict enough to prevent reasonable action based on unforeseen circumstances.
- It is better to err on the side of caution. Universities have been given more leeway post Virginia Tech.
- I believe FERPA represents a knee-jerk reaction by Congress that is both too aggressive and unrealistic. It should be moderated. The university should protect information but not be knee-jerk in its policies.
- I am not sure what "lenient" or "proactive" mean in this context.
- I know they need their privacy, but on the other hand, sometimes things to be be available to help the student better.
- if students don't care if information is shared, I don't think it should be a big deal.
- I believe this is an unfair set of options...on the one hand you ask if a student's records should be confidential, and in the other you ask if student safety should be protected. I believe we can do both within FERPA, but I still lean toward strict adherence, that is the law.
- Student information needs to be protected against unscrupulous people.
- I believe the potential for the misuse of personal information outweighs the benefits derived from freely sharing it.
- Security reasons
- While privacy is important, the safety of students should be of paramount importance.
- I believe that students should be given options about how strictly they want their information protected and it shouldn't be the university's decision except to provide options to the student.
- I lean toward this but I will be honest, I am not well versed in the implications of either choice.
- I think student safety is a higher priority than privacy.
- I'm not sure what proactive disclosure looks like, but it seems like

some information sharing facilitates the community effort we make here.

- A combination of the two where the privacy issues are covered but yet information is still readily available when needed for very specific purposes, i.e. medical, legal, honor code, or if he/she poses a threat to other students.
- Actually, I believe the policy should be adhered to as intended. However, when student safety is truly threatened, that should be an overriding factor.
- There are instances where sharing that data is valuable -- at the students discretion.
- I like the way the university handles student information. The student has the option to block his/her information.
- Because privacy is important these days with the amount of fraud that occurs each year.
- The University should protect student privacy, in the fact that unless there is an absolute need for their information there is no excuse to have private details about any individual.
- Security of student information.
- It only takes one disgruntled person to make a big wrong move.
- I believe that the university is a steward of peoples information and does not have the right to be lenient or careless with it.
- seems only fair to protect their privacy
- Odd or unusual behaviors should be disclosed to those who need to know to ensure safety accross campus.
- Sometimes, it is in the student's best interest for interested parties to be aware of some circumstances. Safety for personnel and other students shouldn't be compromised in the name of privacy.
- When you children are over 21, you can not get any information from the University, even if they live in your household.
- Certain issues need to be known.
- I value safety more than privacy.
- I think respecting a student's privacy is also linked to ensuring their safety, particularly on occasions when students are stalked or inappropriately contacted by persons they wish to restrict contact with.
- I think we do good now--I think we are at a pretty good middle groupd that makes sense to most.
- The students give the school a lot of vital personal informatio. I wouldnt what some one who could use thst information to take advantage and steal my identity.
- The policy should lean towards more strict, with the ability to protect student safety. I don't see these as mutually exclusive.
- I don't know that it should necessarily be more lenient or strict. Information is readily available out there, so if there is something we can do to help ensure saftey through more lenient FERPA guidelines, so be it.

APPENDIX C

QUESTION FOUR RESPONSES

In question four, respondents were asked under what circumstances they believed a student starts to pose a threat to him/herself or others. The following is a list of their responses.

- beligerant behavior
- I don't know. The question is pretty broad.
- When personal information is used incorrectly and/or when a student Either verbalizing or acting out serious aggression.
- When he/she has become violent.
- This issue seems most applicable to mental health issues wherein a student with a history of mental health problems (depression, schizophrenia, etc.) experiences the frequent, stressful situations common to the university experience, but is unable to effectively manage the stress. This could lead to outward expressions of anger and/or violence.
- When he has indicated a possible threat
- There have been several times students are being protected FROM their parents or other people who have tried to harm them. These students need protecting. Another threat is when students create online portfolios and put their own transcript information, GPA, or other confidential information there, THINKING they are protected, but actually the whole world wide web can see.
- When they are suicidal or are acting hostile against others.
- How would I know? I am not a psychologist nor a profiler! Furthermore those individuals do not always know either!
- A serious suicidal threat or gesture; a specific threat to do harm to others.
- Mentally unstable.
- No idea
- I do not consider myself qualified to make that judgment except as a field expedient. In that context, display of violent emotions, or lack of control, words or actions threatening physical violence. I don't know the text book answers here.
- Irrational or uncharacteristic behavior. Threatening self, co-workers, or roommates. I'm a librarian, not a trained counselor.
- When a student starts to act in a threatening manner, like cyberbullying, making verbal threats, stalking, etc...
- Well, there are some obvious ones like he is waving a gun around or has a bomb strapped to his body. However, strange behavior can also indicate potential problems.
- Of course some are hidden time bombs. When we discover written material or overhear remarks that scare us (suggest a real potential for instability), we should consider reporting it to the student honor office or counseling center, where people with more professional training can perhaps do an assessment.
- When a student does not care about themselves or others, then they may become a risk. When they are majorly depressed and suicidal, the risk increases.
- Sometimes students take on too much: too many credits to finish school more quickly while working as much as they can at the same

time. No one knows at what point he/she will "melt down" due to the pressure. Health and presence of mind are the first to go, and that's when I think a student becomes a threat.

- When they infringe upon others rights or safety.
- When they begin to make threats (sometimes veiled) to others
- When he/she begins making threats of harm, when normal actions begin to change, or when he/she hurts himself or others.
- This is hard to say, but harm can consist of psychological as well as physical, so instances of potential verbal, social/emotional or physical intensity should be considered.
- I think it's hard to describe but easy to identify. Open threats are obvious. Other warning signs are extreme unconventional behavior, isolation and extreme appearance.
- A student is a threat when he/she infringes on the agency of others.
- Written or verbal threats or behavior that could cause injury to others are all circumstances that need attention.
- When they have repeatedly reached out to no avail and begin to see things as hopeless.
- When there is an imminent and specific threat made toward self or other people.
- When there are direct verbal or physical threats to others.
- If students threaten to do something and they seem to have a plan of action, they are considered a threat.
- When an individual infringes on the rights of others to privacy and security.
- When they are off their medications, high stress and emotional frustration.
- abnormal behavior like yelling, or making physical threats.
- A student posing a threat to him/herself is most likely to be detected through a campus bishop. As for threats to others on campus, it would potentially start with verbal abuse or threats in a class or seriously endorsing views that would lead to harm.
- that is up to the professionals
- If their life is threatened in some way.
- I have no idea
- ?
- call it a sixth sense. but outwardly i would gather information regarding his personal appearance and get to know them personally before reporting any information; in truth, they would either need to behave very badly, demonstrating aggressive behavior, or tell me their evil plan personally.
- Behaving recklessly in laboratory classes.
- Unusual or threatening behavior.
There may also be other signs that I am not familiar with.
- When body harm to student or others is imminent.
- when they plan to do something harmful
- I would rather think that I can discern a threat and deal with those students on my own
- When they act more from their "emotional mind" than from their "rational mind."

- Either gestures or threats to do themselves or others harm.
- when he/she says so or acts out. The real problem is however, they do not normally confide in school officials and as you are well aware, you can not profile.
- When he or she brings a weapon to class, or exhibits behavior that would clearly indicate an inability to manage anger or violence.
- When they do physical harm to themselves or others. When they do not take prescribed medications. When they divulge information about others that should legally be kept confidential.
- Depending on what you mean by this question:
- When they are performing activities that they have not been trained to do properly, or without the proper supervision.
- When students show signs of emotional or mental instability.
- Threats come in different forms. A threat can be intentional or unintentional. I can't give a definitive answer.
- When those threats are written or verbally expressed by that student.
- When they are using harmful substances, cheating, lying, or any behavior that violates the honor code hurts them. It also hurts those who care about them and might be feeling confused about what to do or whether to speak up.
- I'm not sure of the intent of this question.
- Statements or behavior well beyond the norm as judged by those with experience, stewardship, and the Spirit.
- The threat is reportable when the person may cause physical or mental harm to himself or another as in drug and alcohol use, threats of suicide, or harm to another. I am not sure.
- Cutting, suicidal ideations, violent acts, verbal threats, abuse to self or others, overdosing on over the counter drugs, etc.
- An obvious answer is when he breaks the law. However, a student could be a bad influence and lead his classmates or roommates down a dangerous path.
- Prescription drug (or recreational drugs including alcohol) impairment. Extreme anger issues.
- I believe that when a student displays strongly aggressive behavior, or indications of self-damaging or self-destructive behavior the situation must be confronted, preferable through institutional guidance and counseling.
- When they are mentally or emotionally unstable or traumatized significantly by some action.
- When he or she starts acting out threats against their person or others. There may be times when changes in personality, such as withdrawal, etc., may need to be monitored.
- There are a few flags in their behavior: For example, if grades start to fall, if a student stops coming to class, If he/she stay out late at night and come in with no explanation of where they have been. Also if they talk to roommates about troubles they are having negative activities that might injure themselves or others, etc.
- withdrawn, depressed, changes in social behavior, drawn to radicalism,

- When the student feels that no one is helping the him/her. Such feelings of frustration or getting the "run around" creates such anger in some students that they do not know how to deal with their situation.
- What kind of threat? If it's about hurting themselves/others physically I think those circumstances begin in their personal life and support system (or lack thereof). But any use of threatening words or behavior, whether they be made verbally or in writing should be taken very seriously.
- Threats of suicide or violence against others. Every threat has to be taken seriously.
- A little too numerous to mention here.
- When they start to withdrawal themselves from friends and anything social.
- Suicidal threats, risk-taking behavior, homicidal thoughts
- It is possible for students to pose a physical threat to themselves or others, but this is not something I've dealt with.
- The issue that I encounter is where student's behavior, attitude, and classroom attendance practices are poor. This poses a threat to their career development and it may be appropriate to contact the students directly regarding this issue, or even their parents, although as I understand it, FERPA guidelines prohibit disclosure of student grades with parents.
- I believe it's when a student starts to show signs of relationship issues. For example the student starts to isolate themselves from others. They act irrational in language and actions; they may even try to sever ties with close friends or family members. Start showing signs of sadness and depression.
- When there is physical or emotional harm to others.
- When others are not permitted to choose their own consequences.
- When the student demonstrates marked anti-social behavior among roommates, classmates and their ward family.
- When what they are doing is likely to cause physical harm to themselves or others.
- In my role, it would only be when a student communicates thoughts of self-injury, or threats of injuring others, via personal communication, or by what I may observe in a classroom, or office visit setting.
- When they ignore policy and procedure
- Suicidal gestures and attempts or statements. Homicidal gestures and statements. Frequently carrying a loaded weapon in his/her apartments with or without a concealed weapons permit. Stalking behavior. History or sex offense or violence. History of frequent mental health hospitalizations.
- When they verbally or in writing threaten.
- When a student verbally expresses a desire to harm self or others.
- Major behavior changes, negative attitudes and actions that are different than usual
- when he or she thinks about doing something contrary to the rules of society.
- If a student talks about suicide or about killing others, they need to be seen by a specialist.

- when their communications/actions pose serious discomfort to peers/faculty
- When they threaten bodily harm to themselves or others.
- I don't understand the question, but here goes: A student starts to pose a threat to himself/herself when their actions clearly alienate them from positive relationships with others. If comments, written work, projects, behavior, etc. is just odd, that's different from those same manifestations where they not only act negatively towards others, but others in turn uniformly respond negatively to them (rather than just ignore or be indifferent to them and their behavior).
- When a student begins to experience significant mental health issues (depression, eating disorders, disorganized thinking) then he or she loses the ability to accurately make decisions for themselves.
- Whenever their behavior puts their life or others in danger. Danger ranges from death to you are treading on my rights.
- At the point that a student entertains thoughts of hurting of hurting him/herself
- When they have an actual plan of doing something.
- If they appear to have an intent to harm.
- When they are entertaining thoughts of hurting themselves or others.
- I do not believe that this question can be answered outside of a meaningful context. There are way too many variables that would have to be considered. If a student has a background of aggressive or suicidal behaviors then they should be monitored or if the student begins to publish threats toward themselves or other. Beyond that how do you deal with it?
- When they become violent or is making threats of violence.
- That's hard. I think if they start saying and doing things that they don't usually do, you need to seek to understand the change in the student.
- I'm not sure what the question means. If it's related to information, then students might share too much information which can then be used against them.
- Threat? Is this a FERPA issue? FERPA refers to educational rights. Civil or criminal activities may be another matter. For threat if you mean physical threat, then that falls outside of FERPA, and I will answer the following questions that way.
- Physical or emotional harm.
- When he violates others safety
- When he/she physically threatens another individual.
- Giving out too much information
- When mentally unstable
- Talk of suicide and a preoccupation with violence or disrespect.
- As soon as he/she starts thinking that they can speak for or do for another when they can do for themselves.
- When there is a pattern of "abnormal" communication about himself or others.
- stress created by lack of sleep, failure to perform academically, inability to make friends & fit in socially, financial concerns, etc. are circumstances under which a student may find he/she begins to engage in self destructive behavior, or which may cause a student to

lash out at others.

- I don't know; it seems like threatening words should at least be cause for further inquiry.
- That is a hard one to answer. It varies from person to person and different situations. What one might be able to handle another may not and they may both have the same mental/psychological problems. There are a lot of factors that need to be considered.
- If first hand information is received and verified that the student would likely pose a danger and or overt acts are made in that direction. The actual acts can be quite varied.
- Not sure.
- The student poses a threat to others by using the information to exploit others or "stock" students. If information is used in a way that is harmful to others then, obviously, it is inappropriate.
- If they threaten to harm themselves or others.
- A student starts to pose a threat when they are in jeopardy of injuring themselves or others emotionally, physically, and mentally, due to their actions.
- Talking too much about things they shouldn't be.
- The general talk of a person who has no respect for him/herself to show no respect for anyone else
- At the point of expressing it in behavior or verbalization to others both written and spoken.
- Injury
- Any threatening or violent behavior, verbal threats, written threats, or online threats could be an indication of a potential threat.
- When a student makes threatening remarks (oral or written) or seems out of normal bounds emotionally, proper authorities should be made aware.
- When he is verbally expressing things.
- Mental illness. Erratic behavior.
- When they are armed or are threatening violence to self or others
- Cutting, extreme insomnia, anorexia, bulimia, other eating disorders violent behavior,
- When he/she becomes so angry at even the slightest small incident.
- That's for the shrinks to answer. :)
- When he or she has given ANY warning signs toward such. Posing a threat to others has NO place in this environment.
- When private information is shared off of a computer screen

APPENDIX D
QUESTION FIVE RESPONSES

Question five asked respondents which parties, according to FERPA, they should contact if faced with a student who poses a threat to himself or others. The question also allowed respondents the option of identifying other parties not included in the list of possible contacts. The following is a list of the respondents' additional comments for this question.

- Student Records Office
- Order depends upon immediacy of the threat
- It depends on if the threat is specific
- This really depends on the severity of the situation,
- It depends on the threat, if there is an immediate emergency then 911 is the call, otherwise it is handled through the Dean of Students Office.
- I really have no idea and have just guessed
- State Health and welfare
- We can refer them to the counseling center or ask that the center work with the student without divulging specifics
- actually not sure of campus policy
- Our procedure indicates the Dean as primary contact.
- Don't know - I haven't received FERPA training yet.

APPENDIX E

QUESTION TWELVE COMMENTS

Question twelve invited respondents to share any thoughts or concerns they had about FERPA policies and/or training. Their comments are included below.

- Glad we have them!
- No
- There should be continued training through out the year as a reminder of what the policy is. As with most government requirements FERPA is an overkill to the real problem, hard to manage and makes it hard for the student and parent to Negotiate.
- No
- It has been a while and I think that FERPA policies should be a little easier to access. Maybe it is because I am not proficient on the computer.
- I filled out this survey, but had an additional thought. Many times good common sense helps us when we are dealing with the privacy of students.
- I find the university's adherence to what I understand as its policy spotty and poorly understood.
- It would help to have a short refresher course on the basics every few years.
- Do I contact Human Resources with questions?

It shouldn't take more than 2-3 links to find FERPA resources on our website.

- We were thoroughly trained regarding policies with regard to disclosure of data and such, but not so much regarding what to do with those who present serious risk of harm. I had to guess on some of the policy questions.
- I realized from this survey that I really do not know much about FERPA. I think the University should teach us more about it, more often, or make sure everyone knows about the policies. Maybe I am just not fulfilling my job fully--I don't know--but I want to be more knowledgeable on this subject.
- Have you ever tried to find the University's FERPA policy through the [...] web site? It is probably easy to find if you deal with it every day but for those that don't access it regularly it is difficult to find.
- Training is focused on protection of information, but I've never been trained in evaluating or responding to a safety concern.
- I believe it would be beneficial to have a more direct, proactive approach to providing FERPA training (i.e. in person training, rather than on-line) with period mandatory on-line refresher trainings. Such face to face training could be provided at a Department level every couple of years.
- I respect the privacy of students and employees. This is an important policy.
- NO.
- My major concern is that it seems each situation would merit a different approach. Besides knowing the regulation it seems that each

employee needs to have a keen sense of judgement.

- I've been here 17 years and I don't think much has been done with it for the faculty.
- There should be a screening process to prevent dangerous students from enrolling at a private university.
- We could use more training. Perhaps we could have an annual training on this topic.
- It would be nice to have small group trainings with a Q&A session once in a while. I don't think many people know the details of FERPA very well.
- sorry, I'm a Service Missionary and don't know how the FERPA applies to me.
- I don't know it as well as I thought. I work in an office so I don't have much contact with any 'threatening' situations, so I guess I'm not even sure if I am understanding this right.
- I need to go through the training again.
- I believe it entails more than I am aware. I don't worry about the policies -- someone would need to let me know if I should.
- Perhaps more about my relationship to FERPA.
- I have a hard time looking past the letter of it to see the spirit.
- I am not convinced that it is as important as a thousand other principles in my relationship to helping students.
- I think I should review more often than I have!
- FERPA is a good concept which has the potential to create very dangerous situations by prohibiting the sharing of key information without fear of institutional repercussions or legal action by a student or his/her parent.
- At a minimum, a handbook should be created to firmly state university and FERPA policies and guidelines for action.
- No.
- I feel that a greater awareness needs to be addressed here on this campus. Little is spoken of in a formal setting. The policy is there to read, but little is done to spread the information to the rest of the campus. Thank you
- I don't even know what FERPA is... I have a feeling that I should!
- I need more training.
- I would like more regular required training/reminders on what policies are and how to enforce them. Just once at the start of employment is not enough in my opinion and leaving it optional to go seek out the policy myself is also not very effective to ensure that everyone is properly informed.
- Nope
- It would be useful to have annual reminders of FERPA because I forget so quickly
- This survey made me aware that I might not be as savvy on FERPA as I should be, especially regarding potential student mental health or physical health issues. I tried to find the FERPA information on the [...] website, and I struggled to locate it. Good luck with your project.
- I'm not sure what the student health center's policy is, but there should be a release form that the student/patient should sign for the university to share with the university and law enforcement about severe mental

illness, and possibly those who is/can be in harms way. This should also include students at the health center who obsess and/or stalk other students or employees. These students and employees in this position should be notified.

- New student orientation should include FERPA and information security training. FERPA and information security training should be improved and more regularly taken by all employees.
- Now that it's been brought to my attention, I realize I don't really know the policies well. They are not heavily addressed.
- Not exactly sure on all aspect of the FERPA policy
- I would like a clear, easy to access website that addresses the issues the questions touched on. When I went to see if there is a page on this in the University's web site, I found a statement on the student's right to privacy, but not one with instructions for employees.
- Probably need a refresher more often.
- I believe we should have better, more frequent training than just an online presentation.
- The policies that I have reviewed don't say anything about threats to the person, only about information.
- None
- Probably would be a good thing to be updated regularly on what the policies are have the training needed to handle the situations that might arise.
- I need to review it.
- It should probably be address every semester.
- I'm curious about all these questions about a student who is considered a danger to him/herself or others and FERPA. if you can explain that would be helpful.
- I did not understand practical reasons or real life situations under which this could be run into.
- I think we need periodic updates/reminders. I honestly don't remember some of the policies...I could be making mistakes I am unaware of. Also knowing whom to contact if/when a student is a threat would be helpful, to say the least.
- Knowing why a law exists can make a difference in how one feels about it.
- Not enough information is provided in the training. It covers only the basics.
- Training approach does not facilitate learning the policies.
- After taking this survey, maybe I don't know as much as I thought about FERPA. Occasional emails might be good to remind us of ways that FERPA could or should be used to protect students.
- FERPA policies need to be addressed more often, to remind us all about the University procedures.
- No
- FERPA policy currently does not specifically address information for management for students who are considered to be a threat. There was an information campaign some time ago. An online written policy should be added to address this issue.

- No
- I should probably read them more often- to be honest.
- I feel we need "in person" training as opposed to electronically.

APPENDIX F
APPLICATION FOR EXEMPT RESEARCH

Office of Research Integrity and Assurance

To: David Edwards
TECH

From: Mark Roosa, Chair
Soc Beh IRB

Date: 12/14/2009

Committee Action: **Exemption Granted**

IRB Action Date: 12/14/2009

IRB Protocol #: 0912004626

Study Title: FERPA Study at BYU-Idaho

The above-referenced protocol is considered exempt after review by the Institutional Review Board pursuant to Federal regulations, 45 CFR Part 46.101(b)(2) .

This part of the federal regulations requires that the information be recorded by investigators in such a manner that subjects cannot be identified, directly or through identifiers linked to the subjects. It is necessary that the information obtained not be such that if disclosed outside the research, it could reasonably place the subjects at risk of criminal or civil liability, or be damaging to the subjects' financial standing, employability, or reputation.

You should retain a copy of this letter for your records.